

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 13, 1999

Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present. Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Preston Barrett, Retired Christian Minister.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of June 29, 1999 were approved 7 to 0.

AWARDS AND PRESENTATIONS

RECOGNITION

LaSalle University Students from Wichita's Sister City, Cancun, Mexico, were recognized.

RECOGNITION

The 50th Anniversary of Lincoln Heights Village Shopping Center was recognized.

PROCLAMATIONS

Mayor Knight presented the Proclamations that were previously approved.

UNFINISHED BUSINESS

COWSKIN FLOODING

COWSKIN CREEK BASIN FLOODING. (Districts IV and V)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-643.

As a result of flooding that occurred in the Cowskin Creek Basin on November 1, 1999, the City and County entered into a contract with Professional Engineering Consultants, P.A. (PEC) to study the flood event and make recommendations for flood mitigation activities, including both structural and non-structural options. On June 1, 1999, PEC presented its findings to the Wichita City Council and County Commission. Council Member Bob Martz and County Commissioner Tom Winters agreed, on behalf of the two governing bodies, to form a study group to review the report further and make specific recommendations to the Council/ Commission. The recommendations are outlined below.

The Martz-Winters Group recommends the following short and long-term actions:

I. Immediate Steps:

- A. City maintenance and forestry crews, together with Sedgwick County maintenance crews, work jointly to clean the Cowskin/Calfskin channels of debris in areas under public ownership and where permission has been granted to enter onto private property.
- B. City and County Public Works Departments to work together as the items in "A" (above) are being accomplished to define those areas where Sedgwick County has specific authority under K.S.A. 82a307, ET SEQ. (generally between 13th Street North and mouth along Cowskin) to clean channel areas.

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- C. As "A" and "B" steps are completed, City maintenance and forestry crews, working together with Sedgwick County stream maintenance crews, will clean the Cowskin Channel areas, not on publicly-owned properties, where County authority exists.
- D. The appropriateness of dams and other structures will be studied along the Cowskin and Calfskin Creeks. [The results of this research could lead to removal or modifications to the dams/structures].
- E. Conduct a field trip to Tulsa to evaluate its flood plain development policies.

II. Short-Term Goals:

- A. Prepare "Request for Proposals" and select consultants for the following projects:
 - 1. Detention facility for Dry Creek overflow.
 - 2. Cowskin Channel improvements – Kellogg to Maple
 - 3. Cowskin Channel improvements – Maize to Central
 - 4. Watershed flood plain management plan

Contracts will include the following phases, as applicable: Preliminary design and R.O.W. documents with cost estimates; R.O.W. acquisition plans; final construction plans, specifications, and cost estimates; bid documents; submittal of Federal, State and/or local permit applications; and required F.E.M.A. flood map revisions.

- B. Program projects identified in II.A. (above) in the Wichita/Sedgwick County Capital Improvement Programs.
- C. Form development task force to coordinate work with consultant selected to develop watershed flood plain management plan.

III. Long Term Goals:

- A. Seek available funding to support work programs.
- B. Construct the projects listed in II.A. as funding is made available.
- C. Conduct hearings and implement watershed flood plain management plan, along with any proposed changes in City and County development regulations.

Once proposals are received from Consultants, a Consultant (or Consultants) will be selected and Contracts negotiated. The Contracts will be submitted to the City Council and County Commission for approval. A source of funds will be identified for the various phases of the Consultants Contract(s) prior to implementation.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Earl Callison	Earl Callison, 546 Wetmore Court, said about 10,000 tons of sand still needs to be removed along the stream. It is most important to remove the same now.
Jack Nelson	Jack Nelson said continued construction in flood plains will cause more flooding. It is a vicious cycle between raising building pads and raising the water table.
Candice Bevan	Candice Bevan asked for clarification as to how the PEC report compared with today's recommendations. Ms. Bevan said she also would like to feel a sense of urgency.
Lynn Hahn	Lynn Hahn expressed concern about future rains and flooding.
Ron Jacobson	Ron Jacobson asked what happened to the early warning system that was to be paid for with federal funds.
Vernon Deines	Vernon Deines said he was unable to save his home because he was flooded in and unable to get to sandbags which would have enabled him to save the home.
David Dejong	David Dejong said he would like to have information on quality and quantity of water in the area.

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- Council Member Martz Council Member Martz said it is imperative that everyone understand how much priority this matter is to the City Council. Flood control is number one on the list. It is hard to get the work done fast enough because it must be done correctly. The problem needs to be fixed permanently.
- The City and County are working together to do the work in the most efficient manner.
- Commissioner Winters Sedgwick County Commissioner Tom Winters said the County Commission has spoken in support of the plan and invited the Director of Public Works to review the Item for the County Commission. This issue is a priority with all of the County Commissioners.
- The tornado caused short-term goals to be set back a little. In less than 30 days the work should return to the flood control.
- Long term cooperation on future flood control should be a mix of City and County. There should be some kind of joint cooperative effort.
- Motion -- Martz moved that, after approval by the County Commission, staff be authorized to solicit Consultant proposals.
-- carried Motion carried 7 to 0.
- NOISE ORDINANCE** **NOISE ORDINANCE.**
- Jack Brown Environmental Health reviewed the Item.
- Agenda Report No. 99-644.
- Since the primary focus of the Old Town District is to provide entertainment and shopping for conventioners, tourists, and residents, it is proposed that an amendment to the current standards for the Old Town District be revised.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Mark Russell Mark Russell, member of the steering committee, said the ordinance was very complicated. The committee could not agree on 5 or 10 decibels over, nor could the committee agree on the days of restriction. Mr. Russell said he thought 5 decibels was too restrictive for an entertainment center.
- David Burk David Burk said the new uses of properties in Old Town are true mixed uses. The music needs to be maintained as part of the character of the area. The Merchants Association, a 501c3 group, recommended 80 decibels as maximum 7 days a week. The Health Department has not issued one ticket or warning for this area. It is not believed that people will stop coming to the area if 80 decibels is the limit but any amount above 80 decibels will cause a loss of residents.
- Ken Haverty Ken Haverty said the strength of Old Town depends on mixed use. None of the facets can be ignored. Mr. Haverty requested that the current ordinance remain in effect or ;that the decibel level be set at 80 decibels seven days a week, 24 hours a day. Maximum levels gives operators a chance to monitor themselves.
- Greg Kossover Greg Kossover, Old Town hotel, said there needs to be tolerable noise levels and endorsed Mr. Burk and Mr. Haverty.
- Brian Bailey Brian Bailey said the residential Apartments Association is opposed to changes as proposed by Staff. Leases were signed for residential units under the old ordinance and it is unfair to change the ordinance under these circumstances. The noise level does not allow sleep on weekends. This is totally unacceptable.
- The Merchants of Old Town recommendation of a maximum of 80 decibels is a reasonable compromise.
- Sheldon Kamen Sheldon Kamen said none of his property is affected by the ordinance changes; however, the Innes Apartment windows shook during Cinco De Mayo. Ninety (90) to 100 decibels is too loud.
- Mr. Kamen recommended a maximum of 10 decibels over or that the Ordinance be left as it is.
- Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

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- D.J. Burk said both the current ordinance and the proposed ordinance are confusing. Most businesses are in favor of a maximum level. This would allow business owners and managers to police themselves. Old Town is a true mixed use neighborhood and the residential component is a special ingredient. Today's decision will determine whether Old Town can remain a true mixed-use, viable area.
- Council Member Cole said there are four clubs with outdoor music and these clubs want outdoor performances during the summer months. There are also other clubs with music inside.
- Council Member Cole said she would like a way to go beyond the decibel level, provided a notification process were in place. There are also special events that may need a higher decibel level.
- Motion --
- Cole moved an increase of five decibels above the background noise, to 80 decibels maximum, measured from the property line and enforced seven days a week, twenty-four hours a day, be approved and the Ordinance be placed on first reading; Staff return 30 days with provisions developed to allow for special events; and Staff also apprise the City Council of incidents where the increase of five decibels poses a problem. Motion carried 7 to 0.
- carried

ORDINANCE

An Ordinance amending Wichita City Code Section 7.41.030 as it pertains to noise levels and repealing the original of same, introduced and under the rules laid over.

- Motion -- carried
- Knight moved that the rules be set aside and Item 25 be taken up out of order. Motion carried 7 to 0.
- (The Council took up Item 25. Action is shown in Agenda order.)

NEW BUSINESS

PAVING PETITIONS

PETITION TO PAVE BEBE AND IRVING. (District IV)

- Mike Lindebak
- City Engineer reviewed the Item.
- Agenda Report No. 99-645.
- The signatures on the Petition represent 7 of 14 (50%) resident owners of 53.3% of the improvement district area. On June 10, 1999, CPO Council 4 considered the Petition. The Council voted 5-2 to recommend approval, with the stipulation that a non-abutting property be removed from the improvement district.
- Bebe and Irving, between Walker and Anna, is a sand road that provides access to an industrial area. The property that CPO Council 4 recommended deleting from the improvement district is the only non-abutting ownership in the district.
- The estimated cost of the project is \$300,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.54 per square foot of ownership. Removing the property from the improvement district as recommended by the CPO Council will increase the estimated assessment rate to \$00.56 per square foot of ownership. A letter was sent to all property owners advising them of the CPO recommendation and the cost differential.
- Mayor Knight
- Mayor Knight inquired if anyone wished to be heard.
- Elwood Entz
- Elwood Entz, Lot 6 property owner, asked to be removed from the improvement district.
- Alice Pendergrass-Stancer
- Alice Pendergrass-Stancer said the amount of \$23,500 to \$24,500 was outrageous. The taxes are already. This would raise her taxes to \$6,000 per year.
- Judy Dilly
- Judy Dilly said she had mailed out letters and had heard from everyone except Alice. The street is ruining cars and needs to be paved.
- Council Member Gale
- Council Member Gale suggested that Ms. Pendergrass-Stancer might be eligible for the hardship deferral.

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Motion --

Gale moved that the Petition, with the removal of Lot 6 from the petition, subject to agreement that Lot 6 would be included in the future benefit district for paving of Walker; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-264

Resolution of findings of advisability and Resolution authorizing improving of Bebe and Irving from the north line of Walker to the west line of Anna, Project No. 472-83129, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PETITION TO PAVE 32ND STREET NORTH, WEST OF FAIRVIEW. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-646.

The signatures on the Petition represent 15 of 26 (57.7%) resident owners of 33.1% of the improvement district area. On June 16, 1999, CPO Council 6 considered the Petition. The Council voted 5-0 to recommend approval.

Thirty-Second Street North, west of Fairview is a sand road that provides access to an area comprised predominately of single-family homes.

The estimated cost of the project is \$88,000 with \$65,000 assessed to the improvement district and \$23,000 paid by the City. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.20 per square foot of ownership. The City share is for the cost of intersection paving. The funding source for the City share is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-265

Resolution of findings of advisability and Resolution authorizing improving of 32nd Street North from Fairview to and including a Hammerhead Turnaround east of the drainage ditch, Project No. 472-83128, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

IRB/LEE AEROSPACE

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – LEE AEROSPACE, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-647.

On June 22, 1999, City Council approved a six-month Letter of Intent for Industrial Revenue Bonds to Lee Aerospace, Inc., in an amount not-to-exceed \$4.5 million and a five-plus-five year 100% tax exemption on all bond-financed property. Lee Aerospace, Inc., located at 8500 E. 32nd Street North, is a local corporation founded in 1989. Lee Aerospace manufactures and repairs acrylic aircraft windows, supplying Boeing, Raytheon, Cessna, and Learjet aircraft. Lee Aerospace plans to use bond proceeds to finance an expansion project located at 9232 E. 34th Street North.

The proposed expansion project will allow Lee Aerospace to manufacture windshields, cockpit windows, side windows, and laminated cabin windows at the new facility. Currently, the components for making some of these products are brought in from out-of-state. With the new facility, special import will not be required.

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The new facility will also make possible the manufacture of specialty graphite and Kevlar composites. This work is now primarily performed outside the U.S.

Bond proceeds will be used to acquire property and construct a new facility including 30,000 sq. ft. for manufacturing space and 8,000 sq. ft. for office space. Lee Aerospace will more than double employment in the next five years by increasing staff by at least 50 persons. Series A bond proceeds will be used to finance acquisition of land and building construction. Series B bond proceeds will be used to finance purchase of manufacturing equipment.

In addition to issuance of the bonds, Council is asked to re-approve the property tax abatement, based on a recalculated cost-benefit analysis.

The original cost-benefit analysis was completed incorrectly by using U.S.D 259. A correct analysis is being conducted by the Wichita State Center for Economic Development and Business Research using U.S.D. 375 (Towanda) and will be provided in conjunction with this agenda item.

Allen Bell, Financial Projects Director, gave the following corrected cost benefit analysis:

City of Wichita	2.06 to 1
Sedgwick County	1.82 to 1
USD 375 (Towanda)	1.39 to 1
State of Kansas	4.88 to 1

The sources and uses of bond proceeds are as follows:

SOURCES OF FUNDS

Series A Bonds	\$3,000,000
Series B Bonds	1,200,000
Total Sources	\$4,200,000

USE OF BOND PROCEEDS

Series A		Series B	
Building and Land	\$2,897,000	Office Equipment	\$220,000
Architect Fees	103,000	Manufacturing equip.	980,000
Total	\$3,000,000		\$1,200,000
Total cost of project			\$4,200,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The taxable Bonds will be privately placed with the company's principal bank. Lee Aerospace, Inc. agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Lee Aerospace, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council should reconsider approval of a 100% tax abatement of ad valorem property taxes on the expansion project.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotta moved that the public hearing be closed, the 100% tax exemption on bond financed property be approved the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE.

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds in the aggregate principal amount of \$1,200,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease agreement by and between Lee Aerospace, Inc., and the City; prescribing the form and authorizing execution of an easement and agreement by and between Lee Aerospace, Inc., and the City; prescribing the form and authorizing the execution of a guarantee agreement by and between Lee Aerospace, Inc., the trustee, and the purchaser of the bonds; authorizing

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the execution of a bond placement agreement by and between the City, Lee Aerospace, Inc., and Intrust Bank N.A., as purchaser of the bonds, introduced and under the rules laid over.

ORDINANCE.

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds in the aggregate principal amount of \$3,000,000 for the purpose of providing funds to acquire certain real property and to construct and equip certain improvements consisting of a new manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between James E. Lee, an individual, and the City; approving the form of a guaranty Agreement by and between Lee, Aerospace, Inc., the Trustee and the Purchaser of the Bonds; approving the form of an individual guaranty Agreement by and between James E. Lee and Summer C. Lee, as individual guarantors, and the trustee and purchaser of the Bonds; authorizing the execution of a Bond placement agreement by and between the City, James E. Lee, Lee Aerospace, Inc. and Intrust Bank, N.A. as purchaser of the Bonds, introduced and under the rules laid over.

NUISANCE CODE

.NEIGHBORHOOD PRESERVATION (COMMUNITY NUISANCE CODE).

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-648.

In September of 1998, the City Council considered a number of neighborhood issues relating to truck parking, storage of vehicles, upkeep of rental properties and nuisance abatement. These issues were returned to staff for evaluation of existing city programs.

Information from CPO councils, City staff and neighborhood associations was collected in an effort to form a consensus on how best to address these issues. On May 25, 1999, the City Council held a workshop to evaluate the information gathered by staff and CPO councils.

Based on this workshop, Staff was requested to draft ordinances which would:

1. Decrease the height of noxious weeds to twelve inches;
2. Prohibit the outdoor storage of interior furniture which constitute a health hazard;
3. Allow for the storage in the back or side yard of private residences of no more than four vehicles, including boats, trailers and recreational vehicles.

Community Nuisance Code:

Staff analyzed how best to deal with neighborhood nuisance enforcement and whether a community nuisance code, enforceable by both the Health Department and the Office of Central Inspection, could be implemented.

In evaluating the City code, there are a number of ordinances which deal with nuisance and nuisance abatement. These types of ordinances may be combined into a community nuisance code which would be enforced by both the Health Department and the Office of Central Inspection in relation to residential properties. These ordinances would include:

- 7.08.030 Residential Trash
- 7.08.040 Residential Bulky Waste
- 7.40.040 Nuisance Abatement
- 7.40.045 Scrap Vehicles
- 7.40.047 Removal of Inoperable Vehicles
- 7.40.050 Abatement of Nuisances
- 7.40.060 Rank Weeds
- 7.40.070 Nuisance Lighting
- 7.40.080 Storage of Salvage and Junk Materials
- 7.40.090 Extermination of Insects/Rodents
- 7.40.110 Control of Insects
- 7.41.010 Noise Nuisances
- 7.42.010 Odor Nuisances
- 20.04.030 Minimum Standards for Basic Equipment

20.04.040	Minimum Standards for light, ventilation, electricity and heating
20.04.050	Safe and Sanitary Maintenance of Dwellings
20.04.055	Standards for Vacant Dwelling
20.04.060	Minimum Space Requirements for Dwelling
20.04.070	Maintaining Safe and Sanitary Dwellings
20.04.080	Standards for Roominghouse

There is no legal prohibition to the Council adopting a code dealing with neighborhood nuisance issues, which would be enforceable by the Department of Health and the Office of Central Inspection. A code can be implemented which would have all current health and housing ordinances combined into one code. Sections of the code could be designated to be enforced by one or both of the departments.

In evaluating whether a "joint code" should be adopted, there are several issues which should be considered by the Council:

Adopting joint code provisions for the Health Department and the Office of Central Inspection for residential areas would not alleviate the need for maintaining current ordinances for these conditions in reference to commercial property. Further, there are a number of code provisions, which would not fit well into a joint code.

Animal control, restaurant, and food establishment licensing and workshop and factory standards would not generally be applicable to neighborhood issues.

Training and Certification of Inspectors. Training will be required for departments in how to enforce and abate nuisances, and enforcement of housing code violations. Substantial training regarding housing and building code requirements would be necessary for current health inspectors to be knowledgeable regarding enforcement of building and housing codes.

Coordination of Enforcement. Even with a joint code, enforcement issues will still arise as to whether the Health Department or the Office of Central Inspection should respond to the particular request.

Citation Costs. If a new joint code were adopted, new citations will need to be printed for both the Office of Central of Inspection and the Health Department. Additionally, computer enhancements will be necessary for the Municipal Court computer system. An estimate of these costs will be approximately \$20,000 to \$30,000 depending on the computer enhancements required.

Policy and Procedure Revisions. Currently, both the Office of Central Inspection and the Health Department have separate and distinct policies regarding the notice given to defendants, the time period allowed to bring property into compliance and a separate hearing procedure to contest notice of violations. In order to insure consistency of enforcement, these policies will need to be reviewed and revised to develop consistent procedures for both departments. This will be a difficult and time-consuming process to revise and mesh together the policies and procedures of these departments into a single comprehensive policy.

In order for a joint community nuisance code to be implemented, council approval is sought for staff from the Health Department, Office of Central Inspection, CPO, Personnel and the Law Department to form a taskforce to explore options available for joint enforcement and provide additional recommendations to the Council. This taskforce will analyze which ordinances are suitable for joint enforcement, what additional training and the cost of such training, needs to be completed for staff of the various departments to undertake joint enforcement. Additionally, the job descriptions and classifications of employees within the two departments will be analyzed to ensure that the salary classifications are comparable. Lastly, this committee will establish joint policies and procedures to deal with enforcement of these ordinances to ensure consistency in enforcement.

Pending the adoption of a community nuisance code, several ordinances have been drafted to address the issues discussed by the council regarding the storage of vehicles, height of weeds and use of interior furniture outside of a residence.

Currently, the Unified Zoning Code and the City's ordinances prohibit the storage of motor vehicles in residential areas. The storage of recreational vehicles, boats and trailers in the back and side yard is allowed, as an accessory use, by the Unified Zoning Code.

Amendments presented for consideration by the Council include:

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- A. Sections 7.04.040(5) and 7.40.060(a) dealing with noxious weeds are amended to lower the acceptable height of the weeds to twelve inches.
- B. Section 7.04.040 is amended and Section 7.04.115 is created to make it a nuisance to store outside of the dwelling, appliances and interior furniture, which are dilapidated or deteriorated to an extent which constitutes a health hazard.
- C. The Unified Zoning Code is amended to allow, within the City of Wichita only, as residential accessory use, the storage of unoccupied recreational vehicles, boats, vehicles and trailers in the back or side yard. The Zoning Code requires this storage to comply with new code sections, which specify the number of vehicles and manner of storage. This proposed amendment would need to be referred to the MAPC for approval.
- D. Section 20.04.075 is created regarding the storage of vehicles. This ordinance specifies:
- (a) No storage in front yards of any vehicle;
 - (b) Limits the number of vehicles stored in the back or side yard, including boats, residential vehicles or trailers, to no more than four;
 - (c) Requires that the storage area be clean from litter, junk and debris;
 - (d) Requires screening for the storage of two or more vehicles;
 - (e) The Health Department and the Office of Central Inspection are designated to enforce the provisions of this new Section.

Adoption of this ordinance must be referred to the MAPC for approval of the amendments to the zoning code.

- E. Section 11.52.030 of the Code of the City of Wichita is amended to clarify that vehicles may be parked on unpaved surfaces in the back or side yards, as long as they are in compliance with Section 20.04.075 of the Code of the City of Wichita.

Adoption of these amendments must be referred to the MAPC for approval of the amendments to the zoning code.

In implementing a Community Nuisance Code, anticipated costs include:

1. Printing of new citations for the Health and OCI Departments. It is estimated that this cost will be \$20,000 to \$30,000 depending on the court computer enhancements necessary.
2. Costs will be incurred for the development and printing of notice of violation forms, notice of improvements and other documents to be utilized in the enforcement of the joint code. An estimate of these costs is approximately \$3,000 per department.
3. Costs will be incurred for additional training of staff to be certified in housing and building codes. An estimate of these costs is not yet available.
4. There may be some associated costs for increases in salaries among departments to equalize the salaries among employees.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard and no one appeared.
Council Member Lambke	Council Member Lambke said he was in favor of the Ordinance, except for the storage of vehicles which is a step backwards.
Council Member Pisciotte	Council Member Pisciotte spoke of concern regarding weeds in vacant lots and inquired whether anything could be done to expedite the process. The time from notice to cleanup is too long.
Gary Rebenstorf	Director of Law said the Notice time-frame is established by State Law. Staff can look into the matter. The cost passed on to the public can only be the City's cost.
Council Member Rogers	Council Member Rogers asked that Staff let the City Council know how to enhance the budget to keep up the mowing of City lots.

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Motion --

Lambke moved that the Ordinance amending Sections 7.04.040(5) , 7.40.060(a), 7.04.115 and Section 7.04.040 of the Code of the City of Wichita be placed on first reading; and Staff be authorized to form a task force to explore options for joint enforcement and provide additional recommendations to the Council. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance amending Sections 7.40.040, and 7.40.60 of the Code of the City of Wichita, Kansas, pertaining to nuisances and creating Section 7.40.115, pertaining to storage of dilapidated or deteriorated interior furniture, and repealing the originals of Sections 7.40.040 and 7.40.060 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

CITY ARTS DONATION .FLOOR FINISHING FOR CITYARTS DONATED BY THE DEVORE FOUNDATION.

John DeAngelo

Arts Director reviewed the Item.

Agenda Report No. .99-649.

The DeVore Foundation approached CityArts on the donation of carpeting for the Exhibition Gallery, Gift Gallery, and entry areas. Further examination showed that since the existing concrete floors have been sealed, they would need to be refinished to allow for the carpet installation. The Foundation has received several bids on the floor refinishing and will include this cost in addition to the donation of the carpet.

The new Exhibition and Gift Galleries at CityArts have had a successful first year and anticipate increasing traffic as awareness of the new location grows. Openings are free to the public and feature works by regional artists in an open environment. The downtown location is easily accessible to local tourists wishing to purchase a unique reminder of their visit to Wichita. New carpeting and floor finishes will support the image of CityArts as a professional display space featuring high-quality works of art. The carpeting will also improve the acoustics of the large open gallery space for increased opportunities for special events and meetings of arts organizations. Due to the exhibition openings and classes, it is hoped to schedule renovations for late August/ early September to prevent interference with regular building traffic.

Self Carpet has agreed to supply carpeting at a reduced cost to the DeVore Foundation. The carpeting and installation will total over \$2,000. However, the main cost of the project is in refinishing the floor, which has been bid at \$10,865 by Western Fireproofing. The DeVore Foundation will pay for all costs associated with refinishing of the floors and the carpet and installation.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Cole moved that the Council accept the donation of floor finishings and carpeting for the Galleries and entry area by the DeVore Foundation. Motion carried 7 to 0.

-- carried

COMPUTER/DATA

ART MUSEUM COMPUTER SYSTEM.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-650.

The Wichita Art Museum's information management system is in need of substantial modifications. There is a need to address capacity issues, upgrades to existing software and hardware as well as Y2K compliance issues.

The proposed information management system for the Wichita Art Museum includes implementing a local area network, along with both hardware and software upgrades. Specifically, staff defined the need for a new server, cabling and the addition and replacement of computers.

Two additional software packages are also requested. The networked version of the curatorial software will need to be purchased to maintain collection records. A new software package for maintaining membership information is also needed as the current system is not Y2K compatible.

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Consultant services were procured to assist with system development and cost identification. It is estimated that purchase of equipment, software and network development and installation will cost a total of \$82,000.

The City budgeted and is allocating \$1,172,710 this year in support of the Art Museum; however, according to the Acting Museum Director, there is insufficient money in the Museum budget to acquire this computer hardware and software system. The Museum is seeking additional funding from the City (over and above this budgeted allocation) to acquire this system.

Option #1 - The City could allocate the total of \$82,000 from its General Fund Reserve.

Option #2 - The City could pay one-half of the cost of this system and have the Museum pay the balance from savings within its budget or solicit private contributions.

Option #3 - The City could reject participation in this allocation since it would exceed the annual allocation and request the Museum to fund from its 1999 budget or solicit private funding support.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Mike Oatman

Mike Oatman said projections show there will probably be no funds left over at the end of the year and urged approval of the allocation request.

Motion --

Pisciotta moved that the Art Museum be authorized to proceed with purchase of the computer system from current and left-over funds; at the end of the fiscal year, if additional funds are necessary, the Council can revisit the Item and make funds available. Motion carried 7 to 0.

-- carried

(The Condemnation Item was considered earlier in the meeting. Action is shown in Agenda order.)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 99-651.

On May 25, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on nine (9) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on July 13, 1999. Since that time one property has been demolished by the owner. The remaining eight (8) properties are as follows.

On May 3, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

A public hearing was conducted to address the following properties:

3026 E. Stadium	(District I)
1812 Heiserman	(District VI)
2223 N. Fairview (front)	(District VI)
2304 N. Jackson	(District VI)
2527 N. Arkansas	(District VI)
3243 N. Market	(District VI)
3245 N. Market (front)	(District VI)
411 N. Dodge	(District IV)

Pursuant to State Statute the Resolutions were duly published twice on May 26, 1999, and June 2, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared except on 1812 Heiserman.

Motion --

Knight moved that the public hearing be closed on all except 1812 Heiserman; the resolutions declaring the buildings dangerous and unsafe structures be adopted; the BCSA recommended actions to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be approved. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of July 13, 1999; (2) the structure(s) has/have been secured as of July 13, 1999 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of July 13, 1999 and will be so

-- carried maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.
RESOLUTIONS R-99-257 THROUGH R-99-263

1812 Heiserman

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Mr. Van Zant Mr. Van Zant, NationsBank, mortgage holder, said 45 days was needed. The house has been under bankruptcy proceedings and on June 16, 1999, the Bank received authorization to make decisions on the property. The Bank has ordered an inspection and economic appraisal.

Motion -- Cole moved that 30 days be given for the bank to complete inspection and the economic appraisal and to return to the City Council with plans for the property, with the understanding that, if salvageable, the repairs be completed very, very quickly. Motion carried 7 to 0.

-- carried

EMPLOYEE RESIDENCY REQUIREMENT.

Agenda Report No. 99-652.

Kansas Statutes (13-2102) requires all employees of first class cities to live within the city limits. The statute permits the employment of non-residents as expert employees or law enforcement officers, when "deemed necessary" by the City Council. In 1970, the City passed Charter Ordinance No. 22, which exempted the City from K.S.A. 13-2102, and permitted the City to establish personnel policies regarding employment of non-residents.

Since the 1970s, the City has had a variety of residency policies, including a rigid requirement of in-town residency and several different policies based on driving time. In 1994, the City Council re-imposed strict residency requirements for newly hired employees to live within the City limits. The policy did not apply to those hired before April 12, 1994, or for those in joint City-County departments. Both the Police and Fire unions challenged this policy, but the challenge failed because under current statutes, the City has the authority to implement residency requirements for new hires as a non-negotiable management right.

In other areas, it is recognized that cities may use residency requirements, among other things, as a way of developing a commitment to and a stake in the community and to strengthen the municipality's tax base and economic well being. In a Denver, Colorado, case, the Court supported the residency rule by stating that "establishing community dedication and economic support are valid aims."

The City Council's basis for the 1994 residency requirement was the expectation that employees will have a more intimate knowledge and commitment to the community by living where they work. Residency requirements were seen as promoting more goodwill between taxpayers and their public employees because resident staff members are taxpayers' neighbors, local consumers, and have a vital stake in the neighborhood/city.

In addition, with the implementation of the Neighborhood Initiative and community policing, it was felt that employees should become active participants of community life which might occur as residents, especially public safety officers as a deterrent to crime situations. In addition, it was felt that having a residency requirement would facilitate more diversity in public employment and ensure that local employment would mirror various segments of the population.

Critics have argued that residency requirements may prevent a qualified applicant from applying for jobs, thus preventing the employer (City) from hiring the most qualified individuals. In addition, others argue that residency has nothing to do with job performance and that such requirements are unfair and treat public employees differently than private sector employees. Others feel that if residency requirements impair the quality and diversity of those workforces, then the public is not being well served as it deserves to be.

Irrespective of these arguments, when unemployment is low and a competitive labor market exists, residency requirements do provide a barrier to attracting/hiring skilled and technical talent. Under the most favorable circumstances, employees should live within the City they serve, however, it is simply not pragmatic in light of today's workforce issues.

On occasions, the City Council has been asked to revise the policy to allow the City Manager's office to grant waivers for skilled/technical positions where recruitment has been difficult and where a shortage of skilled personnel has adversely impacted City operations. The Council has been reluctant to change this policy or to grant city management the authority to grant waivers for special skilled/technical positions where recruitment efforts have failed. In addition, the "grandfathering" of employees hired before the April, 1994, residency date, a number of employees have been exempted from residency, which has created some concern among the employee groups about differing treatment.

Because of the competitive labor market and the City's recent inability to hire special skilled personnel, the City Council is being asked to again review the residency policy, at least during this period of low unemployment. Based on recent recruitment, the City is being harmed in not being able to fill strategic positions with the best available talent, partly because of the residency rules. Therefore, a modification of the current policy would seem justified.

The City Council has alternatives to consider, including:

1. Do nothing, continue the existing residency policy.
2. Modifying the policy to allow for residency in Sedgwick County, OR within a specified distance to work (i.e. 30 minutes), for those hired after April 12, 1994.
3. Granting city management the authority to waive existing policy for skilled/technical positions necessary to fill essential positions.
4. Abolish the residency requirement for all, but for special positions where residency, including key management positions, is important.

If desired, alternative #3 (above) could be tied to the unemployment rate. For example, when the unemployment rate falls below a given percentage, like 3.5%, residency requirements could be waived for skilled/technical positions, where recruitment efforts have failed to fill essential positions. However, there is always the problem that granting exemptions may create more conflicts.

Mayor Knight	Mayor Knight said he would like it to be that employees would have to live within 30 minutes driving time. The City is losing outstanding opportunities to hire employees because of circumstances beyond the employees' control.
Council Member Pisciotte	Council Member Pisciotte spoke in support of a change and asked employees to take an interest in the community. Council Member Pisciotte asked that an inventory be done of employee's community activities and that an assessment be done of diversity practices at all levels of City positions.
Council Member Lambke	Council Member Lambke said he was not very warm to hiring outside of Sedgwick County and that he could support living within the County.
Council Member Rogers	Council Member Rogers stated that the employees are paid with funds from the Citizens of Wichita. The City Manager can, at any point, recommend an exception. Council Member Rogers asked that the Council recognize the priority of services in Wichita is for the citizens of Wichita. There are enough people in the City of Wichita to fill jobs for the City of Wichita.
Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Kevin Lager	President of the Fraternal Order of Police asked that the Council approve a change to the current Resolution. The old Policy was thirty-minutes from the City limits.
	Recently, employees have been lost due to circumstances beyond their control. Some prospective employees will not accept jobs because they do not want to have to move a matter of yards to be in the City limits.
Richard Vickers	Community Police Officer reviewed the results of a Police Department survey, indicative of City employees' desires, that showed a strong majority wished to have the current Policy changed.
Jesse Hancock	Jesse Hancock, WPD Officer formerly from Arizona, said he had moved into the City limits and, although he likes his neighborhood, there are many times he sacrifices valuable private time with his family because neighbors know he is a police officer and contact him at home instead of calling the Police Department for assistance.
Motion -- -- carried	Knight moved that the policy regarding employee residency be modified allowing employees to live within a 30-minute lawful driving distance. Motion carried 5 to 2. Lambke, Rogers - No.

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EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, contract negotiations, personnel matters of non-elected personnel, preliminary discussions relating to the acquisition of real property for public purposes, and the regular meeting be resumed at 1:30 p.m. in the City Council Chambers. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 12:17 p.m. and returned at 1:35 p.m.

Council Members Martz and Rogers absent.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

2000-2001 BUDGET.

PRESENTATION AND PUBLIC COMMENT ON PROPOSED 2000-2001 ANNUAL OPERATING BUDGET.

Chris Cherches

City Manager said the 2000/2001 proposed budget carries out the City Council priorities of public safety, sustains continued development, reinvests in infrastructure (new and maintenance), benefits the entire community, and enhances the quality of life.

Council Members Martz, Rogers; present.

Ray Trail

Director of Finance reviewed the Item.

There has been an introductory presentation to neighborhood leadership and use of the Idea Center. There will be follow-up sessions and involvement of the Citizen Participation Organization.

The Budget Calendar is as follows:

- July 13 Budget presented to City Council
- July 20 Public hearing
- July 27 Public hearing, levy, and publication are authorized by City Council Ordinance on first reading
- August 3 Public hearing
- August 10 Formal hearing, adoption of the 2000 operating budget

2000 Total Revenues are projected to be \$305,861,730

Enterprise Fees	27 percent
Property/Vehicle Tax	22 percent
Franchise Fees	10 percent
User Fees/Rent	8 percent
Assessments	8 percent
Local Sales Tax	7 percent
Gas Tax	5 percent
Intergovernmental	3 percent
Other	10 percent

2000 Total Expenditures are projected to be \$301,235,830

Public Safety	24 percent
GO Debt Service	19 percent
Water/Sewer	17 percent
Public Works	10 percent
Culture/Recreation	7 percent
Landfill	5 percent
Other Enterprise	5 percent
Airport	4 percent
Other	9 percent

Infrastructure Initiative

- Core Area
- Landscaping
- Recreation

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- Roving maintenance
- Custodial & building maintenance
- Electrical systems maintenance
- Street maintenance equipment
- Maintenance in newly annexed areas
- Contracted street maintenance
- Contracted facility maintenance

Youth Initiative

- Children's reading outreach program
- Children's library books/materials
- Neighborhood recreation specialist
- Park recreation for "at-risk" youth
- Playground equipment

Quality of Life Initiative

- Expanded Sunday Library hours
- CityArts education
- Botanica maintenance
- Indian Center maintenance
- Cowtown subsidy increase
- Historical Museum subsidy increase
- Visitor Center staffing
- Wellington Place improvements
- Art Museum expansion

S.B. 45 Levy Advisory

- General Fund levy within S.B. 45 advisory threshold = \$39,774,312
- Proposed General Fund levy = \$40,553,720
- Difference = \$779,408
- Equivalent to 0.39 mills

Other Funds

- City is positioned to cover post-closure at Brooks Landfill
- Resources are available to enhance Transit
- Water/Sewer rates are projected to increase 5 percent each
- Storm Water ERU rate is projected to increase \$.06 to finance current operations

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Karl Peterjohn

Karl Peterjohn, referring to the July 10, 1999, Eagle article on the property tax issue, said that with the City of Wichita's appraisal increase, the \$800,000 in property tax overage should be returned to City residents.

The franchise fees on electric utilities for the City is 5 percent. Franchise fees elsewhere are lower (Topeka 3 percent; Tulsa 2 percent). The City would be more competitive if the franchise fee were lowered.

Motion -- carried

Knight moved that the comments be received and filed. Motion carried 7 to 0.

CITY COUNCIL AGENDA

BOARD APPOINTMENTS.

Motion --

Knight moved that Dr. Donna Sweet - Health, Roger Brown - Art Design and Review (Pisciotte); Brad Thome - Health, Ora Nestleroad - PBC, Janet Mullen - WER, John Rogers - BZA (Lambke); C. Bickley Foster - BZA, Susan Osborne-Howes - MAPC, Dave Perrin - PBC, James Gregory - Airport (Cole); and Ron Terzian - Sedgwick County Juvenile (replaces Long Le) (Knight); be appointed and the appointments be approved. Motion carried 7 to 0.

-- carried

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CPO APPOINTMENT **APPOINTMENT TO CPO NORTHWEST NEIGHBORHOOD COUNCIL.** (District V)

Judith K. Weigel, 700 Redbard Lane, has been nominated by CPO Council 5 to fill a vacancy in subdistrict 5.2.

Motion -- Martz appointed Judith K. Weigel to the CPO Northwest Neighborhood Council and moved that the appointment
-- carried be approved. Motion carried 7 to 0.

TRAVEL APPROVAL **APPROVAL OF COUNCIL MEMBER GALE'S TRAVEL, SEPTEMBER 16-18, 1999, TO AURORA, COLORADO, FOR NATIONAL LEAGUE OF CITIES PUBLIC SAFETY AND CRIME PREVENTION STEERING COMMITTEE MEETING.**

Motion -- carried Knight moved that the travel expense be approved. Motion carried 7 to 0.

Addendum

Approval OF MAYOR KNIGHT'S TRAVEL, JULY 14-16, 1999, TO SAN FRANCISCO, CALIFORNIA, FOR NATIONAL LEAGUE OF CITIES ADVISORY COMMITTEE MEETING.

Motion -- carried Rogers moved that the travel expense be approved. Motion carried 7 to 0.

PROCLAMATIONS **PROCLAMATIONS:**

Project ReDirectory Month
Drums Across Kansas Day

Motion -- carried Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 29 and 25(previously approved) , be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS **Reports of the Board of Bids and Contracts Dated July 6, 1999, and July 12 , 1999.**

Bids were opened July 2, 1999, pursuant to advertisements published on:

Lateral 114, Dry Creek Sewer 2, Sanitary Sewer #12 to serve Davis Mt. Vernon Estates - north of Mt. Vernon, east of Hillside. (468-82764/743796/480484) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/25/97. (District III)

McCullough Excavation, Inc. - \$6,608.00

Pave 32nd Street North from the east line of Coolidge to the west line of Porter Wilfred E. Wheeler's Replat Addition. (472-83020/765479/490649) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/20/98. (District VI)

Kansas Paving - \$83,434.00

Lateral 10, Sanitary Sewer 12 to serve Sunnyside Village Addition - north of Orme, west of Lorraine (468-82850/743792/480480) Does not affect existing traffic. City Council approval date: 2/23/99. (District I)

WB Carter Construction - \$9,431.00

Water Distribution System to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (448-89278/734912/470582) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I)

K C Excavating - \$23,745.00

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Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Cement Mix for Manhole Rehabilitation (620096)

Utility Maintenance Contractors, LLC - \$17,000.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Uniform Rental (132225)

Aramark Uniform Services, Inc. - \$0.55 (Item #1/per shirt)
\$0.55 (Item #2/per shirt)
\$9.80 (Lost charges: supervisor per shirt/long sleeves)
\$9.20 (Lost charges: supervisor per shirt/short sleeves)
\$9.80 (Lost charges: employee per shirt/long sleeves)
\$9.20 (Lost charges: employee per shirt/short sleeves)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

Bids were opened July 9, 1999, pursuant to advertisements published on:

1999 sewer reconstruct program Phase 5 - College Hill Pool. (468-83008/ 620263/669391) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99.(District II)

WB Carter Construction - \$12,331.00

Paving 21st Street accel/decel lane and a water system to serve Lot 11, Block 2, Horseshoe Lake Addition - north of 21st, east of Ridge. (472-83102/ 765579 /490690) Traffic to be maintained during construction. City Council approval date: 4/27/99. (District V)

Cornejo & Sons Construction - \$60,308.00 (Negotiated to Engineer's estimate)

Paving parts of Cooper, Stafford and Beech to serve Pebblebrook Addition - north of Pawnee, west of Webb. (472-82304/765582/490693) Does not affect existing traffic. City Council approval date: 6/15/99. (District II)

Ritchie Paving - \$198,342.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HUMAN SERVICES DEPARTMENT/WHA DIVISION: Sidewalk and Driveway Replacement to Various Locations at Mathewson and Arnold (127779)

Williamson Construction - \$33,060.00 (Lump sum total)

HUMAN SERVICES DEPARTMENT/WHA DIVISION: Sidewalk and Driveway Replacement at Various Sites (127779)

Barkley Construction - \$23,310.00 (Lump sum total/Group I)
\$34,300.00 (Lump sum total/Group II)
\$13,300.00 (Lump sum total/Group III)

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POLICE DEPARTMENT/AIR SECTION DIVISION: Helicopter Engine (600528)

Airparts Co. Inc. - \$35,581.90 (Total Item 1)

\$10,350.00* (Total Item 2)

*Core charge exchange to be refunded

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Sign Face Sheeting (132217)

3M \$ 672.75 (Item 1/per roll)
\$ 897.00 (Item 2/per roll)
\$ 897.00 (Item 3/per roll)
\$1,121.25 (Item 4/per roll)
\$1,121.25 (Item 5/per roll)
\$1,121.25 (Item 6/per roll)
\$1,345.50 (Item 7/per roll)
\$ 233.59 (Item 8/per roll)
\$ 317.69 (Item 9/per roll)
\$ 448.50 (Item 10/per roll)
\$ 672.75 (Item 11/per roll)
\$ 897.00 (Item 12/per roll)
\$1,121.25 (Item 13/per roll)
\$1,345.50 (Item 14/per roll)
\$1,794.00 (Item 15/per roll)
\$ 193.50 (Item 16/per roll)
\$ 290.25 (Item 17/per roll)
\$ 387.00 (Item 18/per roll)
\$ 483.75 (Item 19/per roll)
\$ 580.50 (Item 20/per roll)
\$ 774.00 (Item 21/per roll)
\$ 118.50 (Item 22/per roll)
\$ 177.75 (Item 23/per roll)
\$ 237.00 (Item 24/per roll)
\$ 296.25 (Item 25/per roll)
\$ 355.50 (Item 26/per roll)
\$ 414.75 (Item 27/per roll)
\$ 474.00 (Item 28/per roll)
\$ 107.46 (Item 29/per roll)
\$ 161.19 (Item 30/per roll)
\$ 195.48 (Item 31/per roll)
\$ 244.35 (Item 32/per roll)
\$ 293.22 (Item 33/per roll)
\$ 390.96 (Item 34/per roll)
\$ 794.48 (Item 35/per roll)
\$ 284.85 (Item 36/per roll)
\$ 174.15 (Item 37/per roll)
\$ 288.90 (Item 38/per roll)
\$ 277.02 (Item 39/per roll)
\$ 956.61 (Item 40/per roll)
\$1,275.48 (Item 41/per roll)
\$1,594.35 (Item 42/per roll)
\$1,913.22 (Item 43/per roll)
\$ 21.06 (Item 44/per roll)
\$ 31.59 (Item 45/per roll)
\$ 49.82 (Item 46/per roll)
\$ 63.18 (Item 47/per roll)
\$ 99.63 (Item 48/per roll)
\$ 19.08 (Item 49/per roll)
\$ 29.70 (Item 50/per roll)
\$ 42.84 (Item 51/per roll)
\$ 76.05 (Item 52/per roll)
\$ 30.62 (Item 53/per roll)

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Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPLICATION APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Marla Hayden Daryl Moren	Buck's Barbeque, Inc.* Club Billiards*	8710 West Central 925 West Douglas
<u>New Operator</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Mike Prekel	Residence Inn by Marriott, Wichita East*	411 South Webb Road

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS PLANS AND SPECIFICATIONS:

- a. 1999 sanitary sewer rehabilitation program - Phase D - east of Hydraulic, north of Douglas (468-83006/620265/669390) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)
- b. 1999 sewer reconstruct program Phase 4 - north of 13th Street North, east of Hydraulic. (468-83007/620266/669388) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)
- c. College Hill School parking/loading bay to serve College Hill Addition - First Street, east of Hillside. (472-83075/710211/410073) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/10/98. (District II)

Motion Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., July 23, 1999. Motion carried 7 to 0.
-- carried

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a. Water distribution system to serve Janzen Second Addition - north of 31st Street South, east of West Street. (448-89386/734926/654321) Does not affect existing traffic. City Council approval date: 6/8/99. (District IV) - \$15,000.00
- b. Sewer response plan; cementitious lining of brick manholes (1999-Set 2) - south of Harry, east of Oliver. (468-82780/620259/669384) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III) - \$61,720.00
- c. Douglas, Main to Topeka and Topeka, Douglas to William; new water main in Douglas between Main and the east side of Topeka; and new water main in Topeka between Douglas and William. (472-82655/448-88965/706473/636019/405201/778150) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/98 and 1/9/96. (District IV) - \$3,564,901.16
- d. Lateral 114, Dry Creek Sewer 2, Sanitary Sewer #12 to serve Davis Mt. Vernon Estates - north of Mt. Vernon, east of Hillside. (468-82764/743796/480484) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/25/97. (District III) - \$11,070.00
- e. 32nd Street North from the east line of Coolidge to the west line of Porter Wilfred E. Wheeler's Replat Addition. (472-83020/765479/490649) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/20/98. (District VI) - \$99,900.00

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- f. Lateral 10, Sanitary Sewer 12 to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (468-82850/743792/480480) Does not affect existing traffic. City Council approval date: 2/23/99. (District I) - \$28,000.00
- g. Water distribution system to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (448-89278 /734912/470582) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I) - \$37,000.00
- h. (Amended preliminary estimate) Curtis Street to serve Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Additions & R. A. Morris Tracts - south of 13th Street North, east of Hoover. (472-82809/764498/490552) City Council approval date: 7/13/99. - \$22,140.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

STATEMENTS OF COST STATEMENTS OF COST:

- a. Improving Monroe Circle in J. W. Russell Second Addition - west of Tyler Road, north of Harry. Total cost - \$166,966.00 (plus idle fund interest - \$7,102.50, plus temporary note financing - \$3,712.50). Financing issued at this time - \$177,781.00. (765065/472-89252/490-608)
- b. Improving 19th Street from Santa Fe to Mosley, Viola Addition - south of 21st Street North, west of Washington. Total cost - \$86,760.00 (plus idle fund interest - \$2,780.00, plus temporary note financing - \$1,800.00). Financing issued at this time - \$91,340.00. (763649/472-82715/490-467)
- c. Improving Curtis Street to serve Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Additions and R. A. Morris Tracts - south of 13th Street North, east of Hoover. Total cost - \$22,140.00 (plus idle fund interest - \$987.08, plus temporary note financing - \$658.92). Financing issued at this time - \$23,786.00. (764498/472-82809/490-552)
- d. Improving Decel Lane on the west side of Meridian to serve YMCA South Addition - west of Meridian, north of I-235. Total cost - \$115,927.00 (plus idle fund interest - \$1,830.50, plus temporary note financing - \$2,362.50). Financing issued at this time - \$120,120.00. (765289/472-82951/490-630)
- e. Improving alley between Main and Market from Eighth to Ninth Streets North. Total cost - \$52,219.00 (plus idle fund interest - \$1,973.00, plus temporary note financing - \$1,125.00). Financing issued at this time - \$55,317.00. (764803/472-82913/490-582)
- f. Improving Hickory, Birch, Azure, Azure Circles; and sidewalk to serve Buckhead Third Addition - north of Central, west of 119th Street West. Total cost - \$228,213.00 (plus idle fund interest - \$4,431.97, plus temporary note financing - \$4,838.03). Financing issued at this time - \$237,483.00. (765123/472-82946/490-614)
- g. Improving 21st Street North left turn lane from the west line of Lot 1 to the west line of Lot 5, Block 6 to serve Sterling Farms Addition - on 21st Street North, west of Tyler. Total cost - \$72,988.00 (plus idle fund interest - \$1,879.16, plus temporary note financing - \$8,237.84). Financing issued at this time - \$83,105.00. (762591/472-81892/490-362)
- h. Improving Cedar Downs Circle from the north line of the Plat, south to and including the cul-de-sac and; Cedar Downs Court from the east line of Cedar Downs Circle, north and east to and including the cul-de-sac, The Havens Addition - south of Central, west of 119th Street West. Total cost - \$124,558.00 (plus idle fund interest - \$4,198.93, plus temporary note financing - \$2,543.07). Financing issued at this time - \$131,300.00. (765396/472-83015/490-641)
- i. Improving Cooper from the north line of Lot 7, Block 7, south to the south line of Lot 4, Block 7, and; Elmwood from the east line of Cooper, east and north to the north line of Lot 15, Block 4, Pebblebrook Addition - north of Pawnee, west of Webb Road. Total cost - \$226,085.00 (plus idle fund interest - \$7,376.00, plus temporary note financing - \$4,950.00). Financing issued at this time - \$238,411.00. (765107/472-82959/490-612)
- j. Improving 11th Street to serve Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Additions and R. A. Morris Tracts - south of 13th Street North, east of Hoover. Total cost - \$82,763.00 (plus idle fund interest -

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\$3,488.20, plus temporary note financing - \$3,223.80). Financing issued at this time - \$89,475.00. (764464/472-82810/490-549)

k. Improving Graber Circle; Wildwood Circle; 29th Street Circle; to serve Custer Addition - south of Pawnee, west of Meridian. Total cost - \$208,710.00 (plus idle fund interest - \$6,457.75, plus temporary note financing - \$4,720.25). Financing issued at this time - \$219,888.00. (765370/472-82984/490-639)

l. (First partial) estimate of cost for Gilbert & Mosley redevelopment district - \$4,300,000, less financing previously issued - \$0. Financing to be issued at this time - \$4,300,000. (148007/734-000)

Motion -- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

PETITIONS

PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE FOREST LAKES WEST ADDITION - NORTH OF 29TH STREET NORTH, EAST OF TYLER. (District V)

Agenda Report No. 99-654.

The signature on the Petitions represents one owner that owns 100% of the improvement districts.

Forest Lakes West Addition, a new single-family development, was platted in 1997. The developer has submitted new Petitions to modify the improvement district boundaries.

There is no change to the project budgets.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-266

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89203 (north of 29th Street North, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-267

Resolution of findings of advisability and Resolution authorizing construction of Lateral 382, Southwest Interceptor Sewer (north of 29th Street North, east of Tyler) Project No. 4688-82767 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-268

Resolution of findings of advisability and Resolution authorizing improving of Pepper Ridge, from the south line of Lot 12, Block 5, to the north line of Lot 23, Block 5; and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3, Forest Lakes West Addition (north of 29th Street North, east of tyler) Project No. 472-82871 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSTRUCT TRAFFIC SIGNAL AT INTERSECTION OF ANNA AND MAPLE. (District IV)

Agenda Report No. 99-655.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will improve vehicular access to the Towne West Shopping Mall. Professional Engineering Consultants took traffic counts at the intersection of Towne West Square (Anna) and Maple in April of 1998. The traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices were compared to the counts provided. Based on this comparison, it was determined that four of the twelve warrants for traffic signals were met.

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Staff concurred that a signal should be installed at the intersection. Construction is planned for this fall.

The estimated project cost is \$110,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-269

Resolution of findings of advisability and Resolution authorizing improving of a traffic signal to serve the intersection of Anna and Maple, Project No. 472-83130, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Health, 6-10-99
Board of Code Standards and Appeals, 6-7-99
Board of Park Commissioners, 6-14-99
CPO Northeast Council 1, 6-14-99
CPO Northeast Council 1, 6-28-99
CPO Southeast Council 3, 6-24-99
CPO Southwest Council 4, 6-24-99
CPO Northwest Council 5, 6-16-99
CPO Northwest Central 5, 6-30-99
Deferred Compensation Board of Trustees, 6-17-99
Wichita Employees' Retirement System, 5-26-99
Wichita Historic Preservation Board, 5-10-99
Wichita-Sedgwick County Arts and Humanities, 6-10-99
Wichita Transit Advisory Board, 5-27-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

(Item No. 25)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-698.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) Moonlight Automobilia

Street Closure: First Street (from Broadway to Mosley); Emporia and St. Francis (From Douglas to Second Street); and Meade (from First to Second Streets) closed from 6:00 p.m. – Midnight on Saturday July 17, 1999.

The City's Special Event's Procedure stipulates that all special events are to end by 10:00 p.m. However, the City has the right to waive such cut-off time for occasional and special events of community-wide interest, upon showing the need for such waiver.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Howard

Howard, editor of the Old Town Gazette, requested that the closing be allowed, on a permanent basis, to remain in place until midnight instead of 10:00 p.m.

Discussion was had and it was determined that the midnight closure should be requested each year and not be granted on a permanent basis.

Motion --

Knight moved that the request for 1999 be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the

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streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

BROOKS LANDFILL

BROOKS LANDFILL – PROFESSIONAL SERVICES AGREEMENT FOR A RADIOACTIVE WASTE PROGRAM. (District V)

Agenda Report No. 99-656.

On May 5, 1999, the City Council directed staff to implement a program to manage radioactive waste at the Brooks Landfill. Staff developed a Request For Proposals and sent it to Consultants. No proposals were received.

Because no proposals were received in response to the Request For Proposals, staff approached Dr. Glendon Miller, Ph.D., CHMM to solicit a proposal from him. Dr. Miller is the Director of the Office of Environmental and Health Safety at Wichita State University.

Dr. Miller submitted the attached proposal. Staff finds that the qualifications of Dr. Miller are consistent with what is needed for this program.

The estimated cost of the Consultant Agreement over the remaining life of the landfill is \$150,000. This will include required training for City Staff and the landfill Contractor's personnel, and consulting on the identification and management of any radioactive material that is above background level. The estimate is based on 132 alarms per year.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ART MUSEUM

ART MUSEUM EXPANSION PROJECT. (District VI)

Agenda Report No. 99-657.

On May 4, 1999, the City Council approved funds to retain the services of an architectural firm to prepare expansion plans for the Wichita Art Museum, adopted the Resolution, and authorized the Staff Screening and Selection Committee to select an architect for design.

One hundred and thirteen Requests for Proposals were mailed to firms throughout the U.S. and Canada. Eleven responded as follows: Ann Beha Associates, Boston, MA; Gould Evans Goodman, Overland Park, KS; Hardy Holzman Pfeiffer, New York, NY; International Architects Atelier, Kansas City, MO; Charles F. McAfee, Atlanta, GA; Williamson Pounders, Memphis, TN, and the following from Wichita, KS: Gossen Livingston, Howard & Helmer, Law/Kingdon, Inc., Schaefer Johnson Cox Frey & Associates, and Wilson, Darnell Mann.

The Staff Screening & Selection Committee interviewed Gossen Livingston, Howard & Helmer, Law/Kingdon, Inc., Schaefer Johnson Cox Frey & Associates, and Wilson Darnell Mann. Williamson Pounders declined an interview. The committee selected Schaefer Johnson Cox Frey & Associates as the design consultant for this project at a cost of \$470,000 including reimbursable expenses.

The 1998–2007 Capital Improvement Program (CIP Project No. PB-9604, page 128) provides \$814,000 (Resolution No. R-99-149) for design and construction documents for the expansion.

Motion -- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RALPH WULZ TENNIS

RALPH WULZ TENNIS CENTER PRO SHOP AND PLAZA RENOVATION. (District VI)

Agenda Report No. 99-658.

The Ralph Wulz Tennis Center, one of the City's largest and most utilized parks located in Riverside Park, has a history of being a premier tennis center. It was home to regional tennis tournaments and had a reputation for being one of the better facilities in the region. Over the years, the condition and usage declined necessitating corrective actions.

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On December 15, 1998, the City Council addressed facility improvements and authorized actions to restore tennis activities and programs.

On March 23, 1999, the City Council approved the proposed infrastructure and program improvements to the tennis center.

Proposals from a company or consortium of companies to engage in both design and reconstruction (design/build) of the proposed improvements to the tennis center were mailed April 7, 1999. Request for Proposals (RFP's) were mailed to thirty-two architectural firms and one hundred three general contractors. One proposal was received from the consortium of Gordon Construction Co., and Pettit Bullinger Associates. They meet the qualifications for this project and have indicated the Scope of Work can be done within the budget.

On December 15, 1998, the City Council authorized improvements totaling \$217,685 from under expenditures in the 1998 Park Department budget. Of this, facility improvements total \$189,500.

Motion -- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHDO CONTRACT

HOUSING DEVELOPMENT ORGANIZATION (CHDO) DEVELOPMENT CONTRACT FOR POWER COMMUNITY DEVELOPMENT COALITION (CDC).

Agenda Report No. 99-659.

Power Community Development Coalition (Power CDC) was allocated \$130,000 of HOME funds in the 1997 Consolidated Plan funding process, as part of the City's required CHDO set-aside funding from the annual HOME grant. The funding was originally intended for infrastructure improvements for a HOME-eligible development project on the former Piatt Manor Apartments site, located at 2104 N. Piatt. Prior to this action, on November 21, 1995, the Council approved HOME funding in the amount of \$100,000, to assist with the acquisition of the property and demolition of the buildings. More recently, on June 8 of this year, the Council approved CHDO operating funds in the amount of \$50,000 in order to provide support for the project.

Power CDC intends to develop 10 new single family homes on the aforementioned site. HOME funding provided for the project will now be used to subsidize development and construction costs in order to make the new homes affordable for families/households with incomes not exceeding 80% of the median income level for this area.

The funding for this contract was part of the City's required CHDO set-aside (15%) of the 1997 HOME grant.

Motion -- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

GARDEN MEADOW

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR GARDEN MEADOW ADDITION – NORTH OF DOUGLAS, EAST OF 127TH. (District II)

Agenda Report No. 99-660.

The City Council approved the Garden Meadow Addition plat on January 12, 1999. On May 7, 1999, the City approved an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design the improvements. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and SRB provides for the staking and construction engineering services for the improvements in Garden Meadow Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$7,600, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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FOREST LAKES

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR FOREST LAKES ADDITION – NORTH OF 29TH STREET NORTH, WEST OF RIDGE. (District V)

Agenda Report No. 99-661.

The City Council approved the Forest Lakes Addition plat on April 6, 1993. On March 30, 1999, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for the staking and construction engineering services for the improvements in Forest Lakes Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$23,500, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT

GRANT OF EASEMENT - PRESBYTERIAN MANORS, INC.

Agenda Report No. 99-662.

The requested easement is required in order to facilitate certain improvements to the water connections serving the Presbyterian Manor facility in Salina. The Tenant and Trustee will certify that no event of default exists under the lease. The Tenant will further certify that the granting of the easements will not be detrimental to the proper conduct of the Tenant's business in any manner or degree, and that the granting of the easements will not impair the effective use or interfere with the efficient and economical operation of the Salina facility and will not materially adversely affect the security pledged to the payment of the Bonds.

Motion --
-- carried

Knight moved that the Resolution be adopted; the Grant of Easement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 99-270

A Resolution authorizing a Grant of Easement for Presbyterian Manor facility in Salina, Kansas, in connection with City of Wichita Health Care Refunding and Improvement Revenue Bonds, Series IX-A, IX-B, and Series IX-C, 1990 (Presbyterian Manors, Inc. - Salina Facilities, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 29)

LIQUOR TAX FUNDS

CONTRACTUAL SERVICES FOR MONITORING SPECIAL LIQUOR TAX FUNDS.

Agenda Report No. 99-663.

On January 26, 1999, the City Council took action to approve the Proposed Transition Plan and ADAAB's funding recommendations. As part of the Transition Plan, the City was to work with a consultant and the Special Liquor Tax providers to finalize outcomes based measurements for each agency. The consultant completed this activity and presented the results to the City Council for review on April 20, 1999. In addition to refining outcomes based measurements, the Council had a preliminary discussion on policy issues associated with the allocation of the Special Liquor Tax Funds. This discussion was continued to a City Council retreat where a subcommittee was appointed to address the policy questions.

Consultant services will need to be retained to complete the work activities associated with the Transition Plan. Remaining activities include: defining policy issues associated with allocation of the Special Liquor Tax funds; continued monitoring of the effectiveness and appropriateness of the outcome based measurements; assistance with the development of policies for Special Liquor Tax allocations; and final analysis of each provider's outcomes based measurements to determine options for future allocations. This work program will be completed by the end of end of 1999.

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The consulting firm, Public Solutions, has the expertise to perform this scope of services. The firm's owner provided prior consulting services to providers for outcomes based measurement development and refinement. The owner also defined the policy questions which need to be addressed for future funding allocations.

Consultant services to complete the evaluation are \$40,000. Funds are available in the Special Liquor Tax Fund.

Motion -- carried

Pisciotta moved that the Contract be approved, subject to the contract dealing not only with the question of prevention but also with treatment and the organizational arrangement for the program, and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

EMERGENCY SHELTER GRANT APPLICATION FOR KANSAS EMERGENCY SHELTER.

Agenda Report No. 99-664.

The grant application includes funds for the following:

Catholic Charities Anthony Family Shelter and Emergency Services - \$8,602		
Operating and maintenance costs		
Center of Hope - \$14,000		
Rental Assistance, financial counseling		
Catholic Charities Harbor House - \$9,798		
Operating and maintenance costs		
Interfaith Inn - \$35,000	\$8,000	\$24,000
Renovation	Operations	Essential services
IFM Safe Haven --		
\$8,400	\$11,000	\$24,000
Renovation	Operations	Essential services
Salvation Army Emergency Lodge - \$16,786		
Operating costs		
Venture House - \$30,000	\$5,500	\$20,000
Empl. Res. Coord.	Equipment	Employment assistance
United Methodist Urban Ministry -		
\$33,100	\$10,950	\$14,000
Operating costs	Case Manager	Rent & Utility assistance
YWCA Women's Crisis Center - \$3,000		
Operating costs		
City of Wichita - \$6,605		
Administration		

Motion --

Knight moved that the grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

BUDGET REVISIONS LOCAL LAW ENFORCEMENT BLOCK GRANT 1997 – BUDGET REVISIONS.

Agenda Report No. 99-665.

On July 8, 1997, City Council authorized the Mayor to sign the necessary documents to accept the 1997 Local Law Enforcement Block Grant from the U.S. Department of Justice. Projected expenditures from the 1997 Block Grant (with a 10 percent local match) included \$453,708 for Police equipment (mostly mobile computer terminals), \$90,000 for a youth coordinator engaged in crime prevention, and \$135,000 for Municipal Court security improvements.

Since early 1998, City staff has met with select advisory board members and has developed a specific itemization of Police equipment and other expenditures to be funded from the grant. In addition, the U.S. Department of Justice recently approved the grant adjustment notice containing the itemized expenditure requests.

The revised budget includes funding for a youth coordinator (\$20,000), Court security improvements (\$68,000) and mobile computer terminals (\$120,000), as initially outlined. In addition, four (4) new Municipal Court Service Officer positions are funded from the grant (\$64,220). These positions will help enhance the City's adjudication of cases involving violent offenders. Since fewer mobile computer terminals are now slated for purchase, additional funding was shifted to address other Police equipment needs. Police items now budgeted (\$406,488) include

replacement laboratory equipment (to rectify a Y2K problem), additional laboratory equipment that is more technologically advanced, additional computer software and hardware, replacement engines for the City's helicopters, replacement hand-held radar guns, replacement Intoxilyzers, replacement 800 MHz radios, overtime, and other Police equipment as needed.

The 1997 Local Law Enforcement Block grant requires a 10% match of City funds. On July 8, 1997, Council approved \$67,871 from the Narcotics Seizure Fund for the grant match.

Motion -- carried

Knight moved that the budget revisions be approved. Motion carried 7 to 0.

BLOCK GRANTS

LOCAL LAW ENFORCEMENT BLOCK GRANTS.

Agenda Report No. 99-666.

In 1998, the City was notified it was eligible to receive \$640,384 in federal funding from the Bureau of Justice Assistance (BJA), Local Law Enforcement Block Grant program. This is the third Block Grant received by the City of Wichita from the U.S. Department of Justice. The Local Law Enforcement Block Grant program requires a 10 percent local match. The City Council authorized the Police Department on July 28, 1998 to use \$71,154 in Narcotics Seizure funds for matching purposes. The total approved 1998 project budget is \$711,538.

In June of this year, the City was again notified it is eligible to receive 1999 Local Law Enforcement Block Grant funding. This federal award (\$623,219), if approved, will be the City's fourth Local Law Enforcement Block Grant. The City is required to provide a 10 percent local grant match (\$69,247). The total project budget will be \$692,466. The deadline for submitting the 1999 grant application to the Bureau of Justice Assistance is July 30, 1999, with funding awards anticipated in September, 1999.

The LLEBG agreement (section 5.2, et seq.) states that before any obligations or expensing of funds can occur, an advisory committee must be established and allowed to provide non-binding recommendations toward obligating and/or expensing of such funds. The members of the advisory committee must have a recognized interest in criminal justice, crime prevention and/or substance abuse prevention and treatment. The committee must include at a minimum, representation from the following organizations:

- ? The local law enforcement agency;
- ? The local prosecutor's office;
- ? The local court system;
- ? The local public school system; and
- ? A local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention and/or treatment.

In conjunction with advisory-committee requirements, at least one public hearing must be held on the proposed use of LLEBG funds. No obligations or expenditures of LLEBG funds can occur before the public has been afforded the opportunity to comment.

To meet the advisory-committee requirement, it is requested that the following committee membership be approved:

- ? Wichita Police Department (1) – Chief William M. Watson (or designated representative)
- ? City of Wichita Prosecutor's Office (1) – Director Gary Rebenstorf (or designated representative)
- ? City of Wichita Municipal Court (1) – Director Edna Johnson (or designated representative)
- ? Wichita Public School System (1) – Superintendent Winston Brooks (or designated representative)
- ? Wichita Church/Nonprofit Community (1) - Ms. Carrie Jones (or designated representative)

The above minimum-committee membership is five (5) representatives. If approved, a session with the advisory committee will be held in July, allowing them the opportunity to comment on funding for 1998 and 1999 LLEBG awards. Once the committee has met, a public hearing will be held by mid-August.

The combined 1998 and 1999 grant funding is \$1,404,004: \$711,538 is from the 1998 Local Law Enforcement Block Grant program, and \$692,466 is from the 1999 Local Law Enforcement Block Grant program. The local match for both grants will be funded from Narcotics Seizure funds, which has sufficient funding to cover both local match requirements.

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The appointment of the advisory committee and holding public hearing(s) are needed before any obligating or expensing of LLEBG funds can occur. The public hearing does not have to occur before applying for the 1999 Block Grant award.

Motion --
-- carried

Knight moved that the grant applications and receipt of funds, and the LLEBG Advisory committee appointment be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

APPROVAL OF CHANGE ORDER FOR UNIVERSITY PLAZA PROJECT. (District I)

Agenda Report No. 99-667.

On June 23, 1998, the City Council approved agreements with Air Capital Community Development Company, Inc. ("ACCDC") for converting the former Dillons grocery store (21st Street and Oliver) into a commercial mini-mall, at a cost not-to-exceed \$750,000, under the terms of a lease-purchase agreement funded with CDBG funds. On November 3, 1998, the Council approved revisions to the agreements to make the City responsible for development of the project. Under the terms of the revised agreements, the City entered into a design/build contract with Diggs Construction LLC. Work on the project began in February 1999. Diggs Construction has requested a change order be approved to allow completion of the project under the original scope of work, and to provide for certain project enhancements.

After the construction work had commenced, certain circumstances beyond the direct control of the contractor caused the project costs to increase above budget. The glazing subcontractor chose to withdraw its bid, in order to pursue more lucrative opportunities following recent tornado damage in the area. In addition, certain design choices have resulted in building code requirements that had not been originally anticipated. In order to complete the project, at its original scope, will require an additional \$39,000.

The design/build team has also presented certain optional enhancements to the project, intended to increase the economic viability of the project. The first is the addition of a new west entrance to the building, leading into the mallway area, creating more direct public access to the retail shops located in that area. The second enhancement is the replacement of the aging existing building canopy with new canopies, to create a more attractive exterior appearance. The cost of these enhancements adds an additional \$61,000 to the project cost.

A third potential enhancement has been identified as a cost of ACCDC. A rooftop sign, identifying the property as University Plaza, has been proposed in order to establish the presence of the property as seen from the 21st and Oliver intersection. Before this enhancement can be pursued, however, a zoning variance would need to be obtained.

The not-to-exceed amount of the change order is \$100,000. This increase in the cost of the project will be funded from community development block grant program income.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

CHANGE ORDER FOR UTILITY CONTRACTORS.

Agenda Report No. 99-668.

On November 18, 1998, following a competitive bid, Purchase Order #51748 was issued to Utility Contractors in the amount of \$126,328. This purchase order was for the repair of Sewage Treatment Plant #2 sluice gates and improvements to the #2 trickling filter.

Utility Contractors repaired the sluice gates and replaced the bearing and seals in the #2 trickling filter. When it was returned to service it was discovered that the subgrade grouting, which adapts the bearing to the inlet pipe, was damaged. The need to repair the grout was not known at the time of the bid process and represents work outside the scope of the purchase order. This is necessary work, as the trickling filter cannot be placed in service until these additional repairs are effected. The cost of the Change Order for the contractor to make the grout repairs is \$14,500.

The total cost of the Change Order is \$14,500. The Capital Improvement Program, Biosolids Treatment and Management Plan (S-500), has available funds of \$1,272,505.

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Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT PROJECT

CAPITAL PROJECT INITIATION – WICHITA AIRPORT AUTHORITY:. JABARA APRON AND TAXIWAYS.

Agenda Report No. 99-669.

The project is Jabara Apron and Taxiways (510065) and represents site improvements to the Taxiway L development area at Colonel James Jabara Airport subject to further action and approval by the Authority. The design phase of this project was initiated by the Authority on August 18, 1997 and by the City Council on August 26, 1997. The construction phase was initiated by the Authority on June 7, 1999 and by the City Council on June 15, 1999. The initiation was increased by the Authority on July 6, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The previously initiated amount is being increased to reflect additional engineering services related to the construction of site improvements to the Taxiway L development area. Two hangars are currently being constructed by tenants in this area. The maximum permanent financing term for this project would be 15 years. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$335,000 (an increase of \$15,000).

Motion --
-- carried

Knight moved that the Resolution approving notice of intent to use the City of Wichita bonding authority be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-271

A Resolution authorizing use of City of Wichita bonding authority for a Capital Improvement project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

AIRPORT PROJECT

CAPITAL PROJECT INITIATION – WICHITA AIRPORT AUTHORITY:. RECONSTRUCT JABARA ROAD (DESIGN PHASE).

Agenda Report No. 99-670.

The project is Reconstruct Jabara Road (design phase) (A-460002) and represents the reconstruction of the primary access road at Colonel James Jabara Airport subject to further action and approval by the Authority. This project was initiated by the Authority on July 6, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The maximum permanent financing term for this project would be 10 years. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred during the design phase, based on the best present information, is \$40,000.

Motion --
-- carried

Knight moved that the Resolution approving notice of intent to use the City of Wichita bonding authority be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-272

A Resolution authorizing use of City of Wichita bonding authority for a Capital Improvement project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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AIRPORT PROJECT

CAPITAL PROJECT INITIATION – WICHITA AIRPORT AUTHORITY: . TERMINAL PARKING STRUCTURE (DEMAND ANALYSIS).

Agenda Report No. 99-671.

The project is Terminal Parking Structure (demand analysis) (A-450013) and represents the study of the need for the construction of a parking garage and related access improvements to serve the patrons of the Mid-Continent Airport subject to further action and approval by the Authority. This project was initiated by the Authority on July 6, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the attached Project Finance Proposal.

The maximum permanent financing term for this project would be 15 years. A rate structure exists that provides for cost recovery of the expenditures on this project. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred during the demand analysis phase, based on the best present information, is \$10,000.

Motion --
-- carried

Knight moved that the Resolution approving notice of intent to use the City of Wichita bonding authority be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-273

A Resolution authorizing use of City of Wichita bonding authority for a Capital Improvement project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PHONE EQUIPMENT

PHONE EQUIPMENT FOR THE NEW STORAGE, ADMINISTRATION AND MAINTENANCE FACILITY - WICHITA TRANSIT.

Agenda Report No. 99-672.

Wichita Transit (WT), in conjunction with the Data Center, has requested 35 phones with associated equipment for \$25,000. Currently, WT's new SAM facility is scheduled to be operational around September 1, 1999. Phone communications are critical for Wichitans to utilize WT's transportation system; and, the phone system at the old facility at 1825 South McLean is of 1983 vintage and obsolete to meet present day demands. Replacement of the telephone system has been planned as part of the SAM facility and will be funded under a federal capital grant at 80% federal and 20% city.

The phone system to be purchased must be able to connect to the City Hall switch via T1 service with a remote shelf. This will allow present numbers to be preserved, and DID service will be provided via the smart trunks of City Hall. The above will provide a network to City Hall, use of existing software for ACD and Voice Mail, a decrease in monthly facilities charges, and better customer service.

The purchase of the telephone system will cost \$25,000; and, will be funded at 80% federal and 20% city, under an already approved federal grant.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 8501 EAST 13TH STREET NORTH FOR THE IMPROVEMENT OF 13TH STREET FROM ROCK ROAD TO THE CITY LIMITS. (District II)

Agenda Report No. 99-673.

The improvement of 13th Street North from Rock Road to ½ mile east of Rock Road was approved by the City Council on April 20, 1999. The County is currently widening 13th Street to four lanes from the City limits east to K-96. With the completion of this project, there will be a ½ mile strip from Rock Road east that would remain

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two-lane. The proposed project will alleviate this situation. To allow sufficient right-of-way for the project, a strip must be acquired from the Wichita Country Club along the south side of 13th Street.

The project requires a strip approximately ten feet wide along the majority of the country club's frontage. The total take is approximately .44 acres. The project calls for a tubular steel right of way fence along the project. Current fencing is barbed wire. During negotiations, the Country Club indicated that they preferred a masonry wall similar to what exists elsewhere on their property. This type of improvement is considerably more expensive than the planned fencing. Cost of tubular fencing is estimated at between \$45,000 and \$50,000. The Country Club agreed to accept \$47,500 for the required tract and apply the money to construction of a masonry wall at their expense.

The budget of \$50,000 includes \$47,500 for acquisition and \$1,500 for closing and title work. The acquisition cost will be offset by the cost savings from deletion of the fence.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF ACCESS RIGHTS TO BAYLEY FROM 1241 SOUTH BROADWAY FOR THE BAYLEY STREET RAIL CORRIDOR IMPROVEMENT PROJECT. (District I)

Agenda Report No. 99-674.

The Bayley Street Rail Corridor Improvement Project, approved by City Council on June 24, 1998, requires the full acquisition of twelve developed tracts and one vacant tract along Bayley Street and the partial acquisition of access, drives and garages of eight tracts. One of the partial acquisitions is 1242 South Broadway which is owned by Harold Metcalf. The project requires the acquisition of all access to or from Bayley Street over Lot 43 on Broadway in Parkhurst's Addition to Wichita.

The property is developed with a automobile repair facility that is accessed via overhead doors from Bayley. In addition, there is customer parking south of the facility that is also accessed from Bayley. The placement of the railroad signals and the removal of paving will make this south access impossible. Rather than sell the property, the owner has agreed to accept \$30,652 to reconfigure the property for access from the north. The dollar amount is based on actual estimates for new paving, doors, etc. In addition, the City is acquiring the vacant property north 1241 South Broadway and will deed the south 50 feet to the seller for his use. The purchase price of the land to be transferred is \$15,833 for total consideration of \$46,485. Seller indicated a price to purchase the entire site of \$195,000. Estimated actual cost is between \$150,000 and \$250,000.

The funding source is General Obligation Bonds. The budget of \$32,000 includes \$30,652 for the acquisition, and \$1,348 for acquisition and closing costs, title insurance, etc.. This is the twentieth acquisition for the project. Counting this property, expenditures of \$785,861 have been approved. Acquisition of the additional land will be submitted separately.

Motion --
-- carried

Knight moved that the budget and contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ..

ACQUISITION OF LAND TO PROVIDE ACCESS TO 1241 SOUTH BROADWAY FOR THE BAYLEY STREET RAIL CORRIDOR IMPROVEMENT PROJECT. (District I)

Agenda Report No. 99-675.

The Bayley Street Rail Corridor Improvement Project, approved by City Council on June 24, 1998, requires the full acquisition of twelve developed tracts and one vacant tract along Bayley Street and the partial acquisition of access, drives and garages of eight tracts. One of the partial acquisitions is 1242 South Broadway which is owned by Harold Metcalf. The project requires the acquisition of all access to or from Bayley Street over Lot 43 on Broadway in Parkhurst's Addition to Wichita. The property is developed with a automobile repair facility that is accessed via overhead doors from Bayley. In addition, there is customer parking south of the facility that is also accessed from Bayley. The placement of the railroad signals and the removal of paving will make this south access impossible. The owner has proposed to reconfigure his property to allow for access from the north rather than sell. The site north of 1241 South Broadway is undeveloped and offered for sale. The owner is Kanti Patel.

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Mr. Patel's property contains approximately 21,000 square feet with a depth of 140 feet and frontage on Broadway of 150 feet. The property was offered for sale for \$55,000. The County value is \$53,550. Mr. Patel would not consider a partial sale. He has agreed to sell the property for \$47,500 (\$2.26 per square foot). The southern 50 feet of the parcel will be transferred to the owner of 1241 South Broadway to allow the above described reconfiguration with the remaining 14,000 square foot parcel offered for resale.

The funding source is General Obligation Bonds. The budget of \$49,000 includes \$47,500 for the acquisition, and \$1,500 for acquisition and closing costs, title insurance, etc.. Counting this property, expenditures of \$834,861 have been approved.

Motion --
-- carried

Knight moved that the budget and contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF VACANT SURPLUS LOT AT 8352 EAST MORRIS. (District II)

Agenda Report No. 99-678.

An offer of \$500.00 has been received from Thomas Hunsecker a vacant remnant parcel owned by the City. The lot is located adjacent to his residence at 8348 East Morris. It contains approximately 5,800 square feet which is too small to be a buildable lot. It was acquired in 1955 and part of the site was used as street right of way for Eastern which was realigned due to construction of the Kansas Turnpike.

The parcel is bounded on the east and south by streets and on the north by a drainage ditch. This, coupled with its small sizes, leaves Mr. Hunsecker, the adjacent property owner on the west as the only buyer. The owner to the north across the ditch was contacted but did not express any interest.

The City will receive \$500, net of closing costs, for the sale of the property. The parcel will return to the tax rolls and the City will no longer be responsible for mowing.

Motion -- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SURPLUS PROPERTY

SURPLUS PARCEL LOCATED NEAR 521 SOUTH ROOSEVELT. (District II)

Agenda Report No. 99-679.

A parcel of City-owned land has been identified as potential surplus. The parcel in question is located on the west side of the intersection of Kellogg Drive, Quentin and Roosevelt. It was acquired in 1991 for the Kellogg/Oliver interchange project. At the time of acquisition, its address was 3731 East Kellogg and it was improved with a single-family residence. It originally contained approximately 12,130 square feet. After deductions for the road project, it contains approximately 7,850 square feet.

The parcel may be large enough to be developed depending on utility easements. It is separated from Kellogg by the retaining wall and Kellogg Drive. All City departments and local government entities have been notified and have shown no interest in the property. Since there is no interest in retaining ownership, it appears to be in the best interest of public to declare the property as surplus and offer it for sale to the general public.

The City will receive cash consideration for the sale of the property. The sale of the parcel to a private party will place additional value into the tax base. In addition, the City will no longer bear the cost of maintaining the parcel.

Motion --
-- carried

Knight moved that the property be declared as surplus; and designated as available for sale to the general public. Motion carried 7 to 0.

LEASED PROPERTY

LEASE OF PROPERTY AT 505 SOUTH WEBB. (District II)

Agenda Report No. 99-680.

On February 23, 1999, the City Council approved the acquisition of the vacant restaurant facility at 505 South Webb Road from Shoney's in advance of the improvement of the Kellogg and Webb intersection. The site contains 41,470 square feet and is improved with a 5,365 square foot building. As construction is not projected to

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start for several years, the property has been marketed via mailings, site visits, signage and advertising for lease on an interim basis.

The marketing process generated considerable interest with several viable proposals received. The proposals were reviewed for the viability and experience of the lessee and the financial return to the City on both a short (three year) and long (ten year) analysis. The preferred proposal was presented by Gabel Property Management. They offered \$4,500 per month which equates to \$10.06 per square foot per year. Other proposals ranged from \$8.00 to \$9.50 per square foot per year. All proposals called for the tenant to pay taxes, maintenance, utilities and other expenses. Due largely due to uncertain and relatively short remaining life of the property, the proposals were somewhat below market. The preferred proposal does not include a leasing commission while all other proposals required payment of a six percent commission. Several also required some repayment of tenant costs if the lease was terminated in less than five years.

The City will receive \$162,000 for the first three years of the lease term. The lease calls for two option periods with rental increases which can be exercised if the property is not needed at that time for the highway project. In addition, property will remain on the tax rolls with the tenant responsible for the taxes. Also, the tenant will be responsible for routine property maintenance and upkeep.

Motion --
-- carried

Knight moved that the interim lease of the property be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

STREET RESOLUTION STREET RESOLUTION #4-99.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-274

A Resolution approving Street Lighting Resolution No. 4-99, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 41-51 and 55-56 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --
-- carried

Knight moved that Planning Agenda Items 41-51 and 55-56 be approved as consensus Items.
Motion carried 7 to 0.

V-2173

V-2173 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED NORTH OF 21ST STREET AND EAST OF GREENWICH. (District II)

Agenda Report No. 99-681.

Staff Recommendation: Approve vacation of a portion of a building setback.
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate a portion of a 100-foot building setback to allow the construction of a bank. As part of the rezoning of this property in 1995, a Protective Overlay required a 100-foot building setback from 21st Street North, and a 100-foot setback was platted. An administrative adjustment to the Protective Overlay to reduce the setback from 100 feet to 20 feet for temporary structures and 100 feet to 50 feet for all permanent structures has been approved. The vacation of the building setback will match the setback on the Protective Overlay.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant complying with all requirements of the administrative adjustment. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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Motion --
-- carried

Knight moved that the vacation order be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

V-2176

V-2176 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED SOUTH OF CENTRAL AND WEST OF EDGEWOOD. (District II)

Agenda Report No. 99-682.

Staff Recommendation: Approve vacation of a portion of a building setback.
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate the 35-foot platted building setback to allow for the reconstruction of the existing Sonic Drive-in. This would allow for canopies to be 16.5 feet from the right-of-way line. Canopies are permitted to be located five feet into a required front yard-zoning setback. This property is zoned "LC" Limited Commercial, which is required to maintain a 20 foot front yard setback. Therefore, the canopy will comply with the Unified Zoning Code once the vacation is completed.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

V-2177

V-2177 - REQUEST TO VACATE 10 FOOT UTILITY EASEMENT LOCATED AT THE SOUTHEAST CORNER OF 21ST STREET NORTH AND RIDGE ROAD. (District V)

Agenda Report No. 99-683.

Staff Recommendation: Approve vacation of the 10-foot utility easement.
MAPC Recommendation: Approve vacation of the 10-foot utility easement. (unanimous)

The applicant is requesting to vacate the utility easement located on the south line of Lawrence Development 1st Addition. This would allow for the combined development of Lawrence Development 1st Addition and the Seiler Addition located to the south. The applicant's agent has indicated that a lot split will be submitted in the future for these two lots to split them north and south.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation order be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

V-2178

V-2178 - REQUEST TO VACATE STREET RIGHT-OF-WAY LOCATED IN AN AREA NORTH OF MURDOCK AND EAST OF TOPEKA. (District VI)

Agenda Report No. 99-684.

Staff Recommendation: Approve vacation of street right-of-way.
MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

The applicant is requesting to vacate the northernmost 167 feet of Emporia Circle to allow for a parking lot and also to provide better access to the new emergency center for Via Christi St. Francis. The applicants own both sides of the vacated right-of-way, and the vacated roadway will revert back to St. Francis Hospital.

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The applicants agent has stated that in the future there will be a request to vacate Emporia Circle adjacent to Lot 1, Block 2, St. Francis Regional Medical Center and maybe the remainder of Emporia to Murdock. However at this time, the applicant only needs the area being requested to be vacated.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order subject to the applicant providing a temporary easement until such time the water line is abandoned, the applicant relocating the existing sprinkler system and any other facilities as required in a matter deemed appropriate by the City of Wichita Fire Department.

The applicant has submitted a temporary easement for the water line which will be abandoned and the City of Wichita Fire Department has approved this request. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order and temporary water line easement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

D-1761

D-1761 - DEDICATION OF UTILITY EASEMENT LOCATED NORTH OF KELLOGG AND WEST OF MAIZE ROAD. (District V)

Agenda Report No. 99-685.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated lot split (L/S 0943), this dedication is being made for the purpose of construction and maintenance of utilities.

The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be received and filed recorded with the Register Deeds. Motion carried 7 to 0.

S/D 95-34

S/D 95-34 PLAT OF BAY COUNTRY 2ND ADDITION LOCATED SOUTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-686.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This is a replat of 40 lots zoned SF-6, Single-Family Residential. Petitions for City water, sanitary sewer, and paving have been provided. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. A ratification and consent document has been provided from a party holding a mortgage on the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants and ratification document will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-99-275

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89406 (south of Central, west of 119th Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-276

Resolution of findings of advisability and Resolution authorizing construction of Lateral 31, Main 1, Cowskin Interceptor Sewer, (south of Central, west of 119th Street West), Project No. 468-83010, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-277

Resolution of findings of advisability and Resolution authorizing improving of Hardtner Circle from the east line of the Plat, west to and including the cul-de-sac, and; Rolling Hills Circle from the east line of the Plat, west to and including the cul-de-sac, Project No.472-83131 (south of Central, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

S/D 97-66

S/D 97-66 - PLAT OF SCHMIDT-SHEAHAN ADDITION LOCATED NORTH OF 55TH STREET SOUTH AND WEST OF ROCK ROAD.

Agenda Report No. 99-687.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of Wichita's City limits. This plat is zoned RR, Rural Residential and the site has been approved by the Health Department for the use of on-site sanitary sewer and water facilities.

The applicant has also provided a restrictive covenant in order to provide for ownership and maintenance of the floodway reserve. The site is within the noise impact area of the McConnell Air Force Base and an avigational easement and restrictive noise covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenants and avigational easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 98-100

S/D 98-100 - PLAT OF DANIEL L. CLAASSEN 1ST ADDITION LOCATED NORTH OF 55TH STREET SOUTH, ON THE EAST SIDE OF BROADWAY. (District IV)

Agenda Report No. 99-688.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

A zone change (Z-3297) from SF-6, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting.

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A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved and the Resolutions be adopted; the necessary signatures be authorized; and the Ordinance Z-3297 be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. R-99-279

Resolution of findings of advisability and Resolution authorizing construction of Lateral 30, Main 2, Southwest Interceptor Sewer, (north of 55th Street South, east of Broadway) Project No. 468-83011, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3297

S/D 98-120

S/D 98-120 - PLAT OF DUNNEGAN INDUSTRIAL ADDITION LOCATED ON THE NORTH SIDE OF MACARTHUR ROAD, WEST OF K-15. (District III)

Agenda Report No. 99-689.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is zoned LI, Limited Industrial, and is on the same agenda to be annexed into the City. The site has been approved for a Conditional Use (CU-481) to operate a salvage yard.

The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. A restrictive covenant was also required assuring that only residential type wastes would be generated until such time as a municipal sewer system becomes available.

A petition, 100%, has been submitted for water improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-278

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89407 (north of MacArthur, west of K-15 Highway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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S/D 99-3

S/D 99-3 - PLAT OF BOEING MACARTHUR WEST ADDITION LOCATED ON THE SOUTHEAST CORNER OF K-15 HIGHWAY AND MACARTHUR ROAD.

Agenda Report No. 99-690.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is zoned LI, Limited Industrial and is located in the County within three miles of Wichita's City limits. The City of Wichita is indicated as holding an interest in this property's ownership and consequently is shown as one of the site's plattors.

City water is available to serve the site. Sanitary sewer is not needed at this time for the proposed parking lot. The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. In order to provide access to the adjoining lot, a joint access easement was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant, avigational easement and joint access easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 99-19

S/D 99-19 - PLAT OF RV PRODUCTS ADDITION LOCATED ON THE NORTHEAST CORNER OF ST. FRANCIS AND 29TH STREET NORTH. (District VI)

Agenda Report No. 99-691.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site is zoned GI, General Industrial and city services are available.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 52)
CU-523

CU-523 - REQUEST FOR CONDITIONAL USE TO ALLOW OUTDOOR ENTERTAINMENT AND RECREATION ON 3.4 ACRES, LOCATED NORTH OF 21ST STREET NORTH AND EAST OF TYLER ROAD. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-692.

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Deny

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a conditional use on a 4.3 acre platted tract of land to allow for outdoor entertainment and recreation. The applicant is proposing to operate a temporary golf driving range on the property. The land is owned by Riverside Health System which plans to expand their adjacent medical clinic onto the land in the next two years.

The hours of operation would be 10 a.m. to 11 p.m. every day. The driving range is experimental in the Wichita market, and the applicant has stated that, if successful, it would be moved to a permanent location.

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Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and subject to the conditions 1) development of the site shall be modified, from the site plan submitted to the MAPC, by moving the T-boxes north of the originally proposed location and aligning them in a row that runs northeast and southwest to minimize golf balls veering over the west net; and 2) the owner or operator shall continuously maintain general liability insurance to guarantee the payment for any damages caused by golfing activities. Such insurance coverage shall be adequate and reasonable to cover damage or injury to adjacent properties or to the public caused by golfing activities on the property. A certificate of insurance evidencing such coverage shall be provided to the City prior to the use of the property for a driving range. Motion carried 7 to 0.

-- carried

(Item No. 53)

Z-3321

Z-3321 - ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL; AND DP-126 - REQUEST FOR AN AMENDMENT TO PARCEL 3 OF THE CENTRAL AVENUE PLAZA CUP, LOCATED NORTH OF CENTRAL AND EAST OF EDMOOR. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-693.

The applicant, Cellular One, proposes to amend Parcel 3 of the Central Avenue Plaza CUP (DP-126) to allow, as a permitted use, a 120 foot communication tower and to rezone 1,700 square feet from "LC" Limited Commercial to "GC" General Commercial. The tower would be located on the south end of the east row of buildings. The facade has one opening, a door, and 18 parking spaces.

At the June 10, 1999, MAPC hearing, the applicant's agent reviewed the request. Another agent requested that this Item be deferred because they had a potential client in the area who would be requesting to construct a 190 foot radio relay tower. The MAPC voted 19-2 to deny a motion to defer the request. After deliberation, the Planning Commission voted unanimously to approve the request, subject to the conditions in the staff report, and requiring the tower to be designed to allow for the potential expansion of the tower to 200 feet. Any proposal to increase the 120 foot limit substantially would require the applicant to amend the CUP again.

Council Member Cole

Council Member Cole said she would like to have a moratorium policy in place before another tower is considered.

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions.

-- carried

Motion carried 7 to 0.

Motion --

Pisciotta moved that the City of Wichita establish a moratorium on the acceptance of applications for BZA variances, conditional use permits, rezoning, or building permits for new commercial communication towers. The purpose of the moratorium would be to allow time for the hiring of professional assistance and the completion and implementation of a communications tower plan as approved by the City Council on May 25, 1999. The moratorium shall be in place for not to exceed six (6) months. Staff is directed to prepare and return to Council with a Resolution to implement the moratorium. Motion carried 7 to 0.

-- carried

(Item No. 54)

Z-3323

Z-3323 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED EAST OF BROADWAY AND SOUTH OF 37TH STREET SOUTH. (District III)

Agenda Report No. 99-694.

MAPC Recommendation: Approve, subject to the additional provision of a protective overlay.

CPO Recommendation: Approve, subject to MAPD Staff recommendations.

Staff Recommendation: Approve, subject to the additional provisions of a protective overlay.

The applicant is requesting a zone change for a 5,500 square foot tract, with dimensions of 50' by 110', located along 37th Street South approximately 1,000 feet east of Broadway. The applicant is seeking the zone change to store vehicles outdoors legally.

The applicant was in agreement to conditions of the Protective Overlay that limited the "GC" uses to vehicle storage yard only and to meeting screening requirements.

Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions.

-- carried

Motion carried 7 to 0.

ORDINANCE 1ST READING.1

A 99-25

A 99-25 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF MACARTHUR ROAD AND K-15 HIGHWAY TO THE CITY OF WICHITA, KANSAS. (District III)

Agenda Report No. 99-695.

This property is located at the northwest corner of the intersection of MacArthur Road and K-15 Highway, consists of approximately 10.09 acres and is being platted as the Dunnegan Industrial Addition. The property abuts the City on the north and west. According to information submitted, the property owner is planning to further develop the site into a salvage yard. The site currently is partially developed with a pyrotechnics (fireworks) warehouse that was recently destroyed by fire, and a few small storage facilities. The final plat for this property is being heard by the Wichita City Council in conjunction with this annexation.

Land Use and Zoning: The site consists of two contiguous tracts of land that are 35% developed and 65% undeveloped and zoned ALI" Limited Industrial. The land directly to the south of the site is unincorporated and is a mixture of ALC@ Limited Commercial, ASF-20" Single Family Residential and AGC@ General Commercial. The land to the east of the site is unincorporated and zoned ALI" Limited Industrial. Land to the north of the site is incorporated and zoned ALI" Limited Industrial with AMH@ Mobile Home to the northeast of the site. The Big Arkansas River bounds the property to the west. Land to the west of the river is incorporated and zoned ALI" Limited Industrial. Although the site proposed for annexation will remain zoned ALI@ Limited Industrial following annexation, a conditional use permit (CU 481) was required and recently approved for the intended development. A proposed recreation corridor (Parks and Pathways, 1996) abuts the west edge of the site, and the proposed plat includes an easement dedicated for this purpose.

Public Services: The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. A restrictive covenant was also required assuring that only residential type wastes would be generated until such time a municipal sewer system becomes available. The City Water and Sewer Department indicates that there are 12 inch water distribution mains along MacArthur Road and the west right-of-way of K-15 Highway. A petition, 100%, has been submitted for water improvements. As for sanitary sewer, an eight (8) inch sewer main has been extended north of MacArthur from the Oaklawn Improvement District to serve the Sutherland Addition, which lies directly east of the area proposed for annexation. In order for the site to be served by City sanitary sewer, a 10 inch line located approximately 2 mile west of the site would need to be extended across the Big Arkansas River.

Street System: The area proposed for annexation currently has access to MacArthur Road, a four-lane asphalt road, which serves the area as the nearest major east-west road. K-15 Highway, a four-lane State highway serves as the nearest major north-south road. The intersection at K-15 Highway and MacArthur serves as the primary entrance to Boeing.

Public Safety: The Wichita Fire Department can serve this site with a five (5) to six (6) minute approximate response time from Station #19 located at 600 W. MacArthur Road. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Urban Growth Area & Policy 32: The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

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The property proposed for annexation currently has a total appraised value of \$362,200; the assessed value (25%) of the property totals \$90,550. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$2,830 in annual City tax.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-25

A 99-26

A 99-26 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED ½ MILE NORTH OF KELLOGG (U.S. HWY 54) ON THE EAST SIDE OF 119TH STREET WEST TO THE CITY OF WICHITA, KANSAS. (District V)

Agenda Report No. 99-696.

This property is located 2 mile north of Kellogg (U.S.Hwy 54) on the east side of 119th Street West and consists of approximately 36.37 acres of undeveloped land. The property is 100% surrounded by the City of Wichita and is the only portion of Resthaven Garden of Memory Cemetery that is not in the City. Annexation will eliminate an island of unincorporated land in Wichita. The property owner is planning to build a mausoleum on the site, which requires the property to be platted. As partial fulfillment of the platting requirements, the property owner must request annexation.

Land Use and Zoning: The site consists of two undeveloped contiguous tracts of land zoned ASF-20" Single Family Residential with CU-123. The land directly to the north, east and west of the site is in the City of Wichita and is zoned ASF-6" Single Family Residential. The land to the south of the site is also in the City and zoned ALI" Limited Industrial.

Public Services: The City Water and Sewer Department indicates that there is a 16 inch water distribution main along Maple, approximately 2 mile north of the site. According to the City of Wichita 1998-2007 C.I.P., the City is planning to install a 16 inch water main along 119th Street West from Maple to Carr Street, beginning the year 2000. As for sanitary sewer, a 27 inch sewer main is located north of the site and an 18 inch sewer main is located along 119th Street West near the 2 line between Maple and Kellogg.

Street System: The area proposed for annexation currently has access to 119th Street West, a two-lane improved section line road built to the county standard (asphalt with open ditches), which serves the area as the nearest major north-south road. The site is approximately 2 mile south of Maple, a two-lane asphalt road with open ditches. The site is also slightly less than 2 mile north of Kellogg (U.S. Hwy 54), a paved 4-lane divided highway (through this section of Sedgwick County). Maple and Kellogg serve as the nearest major east-west roads. Currently, there are no plans to improve 119th Street West in the Wichita 1998-2007 C.I.P.

Public Safety: The Wichita Fire Department can serve this site with a three (3) to four (4) minute approximate response time from Station #17 located at 10651W. Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Urban Growth Area & Policy 32: The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

A portion of the property proposed for annexation is currently classified as agricultural land and has a total appraised value of \$5,180; the assessed value (30%) of the property totals \$1,554. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$49 in annual City tax. However, since the property owner intends to use the land for a mausoleum/cemetery, the land will become tax exempt. The other portion of land included in the annexation is already tax exempt.

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Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading.
Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-25

A 99-22

A 99-22 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES, DESCRIBED AS VARIOUS UNINCORPORATED ISLANDS WITHIN OR ABUTTING THE WEST NORTH PARTS OF WICHITA, TO THE CITY OF WICHITA, KANSAS. (Districts V, VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-697.

The subject area of this annexation consists of approximately 206 acres that includes a total of 64 properties (22 platted and 42 unplatted) developed into 50 residential tracts, eight (8) commercial tracts, four (4) farm-related tracts, one (1) exempt tract, and one (1) vacant tract. The areas to be annexed also include the following roads: 29th Street North, from the current city limits west to a point ½ mile west of Ridge Road; Maize Road, from the current city limits south to a point ½ mile south of 29th Street North; Tyler Road, a small portion approximately ¼ mile south of 29th Street North; and Pawnee, from Maize Road to a point approximately ¼ mile east. The primary land-use pattern is residential with a mix of commercial, agricultural and undeveloped land. The majority of the area is zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential, with several areas zoned "LI" Limited Industrial and "LC" Limited Commercial. Properties zoned "SF-20" Single-Family Residential will convert to the "SF-6" Single Family Residential district upon annexation. The majority of the land proposed for annexation is located within the areas identified for new growth as shown on the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, with the remaining annexation areas located within that area designated as suburban.

The proposed annexation will allow for more efficient, unambiguous delivery of services to the west part of Wichita by eliminating island and potential island situations. The Water & Sewer Department indicates that most of the properties in the annexation area are currently served by private water wells. However, most properties have immediate access to City water mains. The City has no C.I.P. projects to extend water mains north of 29th Street North along Tyler Road, however there are several projects that will expand the water system in west Wichita. As for sewer, the majority of properties in this proposed annexation area are currently served by private sanitary systems, with a few served by City sewer. City sewer lines are located near most of the properties being annexed, with those north of 29th Street North and east of Tyler Road lying outside of current city service limits.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area. A copy of the Service Extension Plan is attached for reference (Attachment No. 2).

The total appraised value of the land and improvements proposed for annexation is \$5,321,150 resulting in an annual City Ad Valorem tax revenue of approximately \$22,896. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services, should they be requested by the property owners, would be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the

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public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion -- carried

Knight moved that the service extension plan and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-280

A Resolution establishing a future public hearing on the annexation of eligible properties described as various unincorporated islands within or abutting the west north parts of Wichita, to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RECESS

The City Council recessed at 2:30 p.m. and reconvened at 7:04 p.m.

Wichita, Kansas, July 13, 1999
Tuesday, 7:04 p.m.

The City Council met in recessed session at the East Point Church of Christ, 747 N. 127th Street East. Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Council Member Rogers absent.

Chris Cherches, City Manager; Doug Moshier, Senior Assistant City Attorney, and Pat Burnett, City Clerk; present.

A 99-9

A 99-9 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF LAND GENERALLY LOCATED NORTH AND SOUTH OF HARRY, BETWEEN WEBB ROAD AND 127TH STREET NORTH.

Agenda Report No. 99-653.

On May 11, 1999, the City Council adopted a resolution that established July 13, 1999, at 7:00 p.m. at the East Point Church Christ, 747 N. 127th Street East, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located north and south of Harry Street, between Webb Road and 127th Street East.

The area proposed for annexation is the 2nd phase of a two-phase annexation. The first phase was officially approved January 15, 1999. The area for the second phase consists of 10 properties (3 platted and 7 unplatted) comprising approximately 22 acres. The predominant land-use pattern of the area is a mix of single-family homes and undeveloped land. The entire area is zoned "SF-20" Single-Family Residential and will convert to the "SF-6 Single-Family Residential district upon annexation

An informational meeting regarding the proposed annexation was held on June 15, 1999 at the East Point Church Christ, 747 N. 127th Street East. No citizens attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area.

Financial Considerations: The total appraised value of the land and improvements of this annexation is \$561,140, with a resulting initial annual City Ad Valorem tax revenue of approximately \$2,034.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other

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established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 10, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a majority vote (10-0-1). Commissioner Fulp abstained due to being absent during presentation.

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over A 99-9

Adjournment

The City Council adjourned at 7:15 p.m.

Pat Burnett, CMC
City Clerk